

THURSDAY, APRIL 14, 1994

EIGHTY-SEVENTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Rev. Jonathan Clark, Winchester, TN.

Representative Rigsby led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

PRESENT IN CHAMBER

Representative(s) Williams (Williamson) was/were recorded as being present in the Chamber.

RULES SUSPENDED

Rep. Purcell moved to suspend the rules so that the Employee Affairs subcommittee of the Consumer and Employees Affair Committee could meet on Monday, April 18, 1994, and that the full committee could meet at 3:00 p.m. to consider any bill(s) coming out of the subcommittee, which motion prevailed.

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to Rule No. 17, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Resolution No. 0199** -- General Assembly, Studies -- Continues special joint committee authorized by HJR 37 of 98th General Assembly to study affordability of housing. by *Turner L, *Jones R, *Dixon.

Finance, Ways and Means Committee.

***House Resolution No. 0203** -- General Assembly, Studies -- Creates special house committee to examine historical and present roles of African Americans in development of public policy and planning relative to inner city economic development. by *Brooks, *Dixon, *Thompson, *Turner L, *Jones R, *Miller, *Jones U, *Brown.

Calendar and Rules.

***House Joint Resolution No. 0669** -- Highway Signs -- "Ewell Bouldin Bridge," South Fork of Obion River on S.R. 436, Carroll County. by *Herron.

Transportation Committee.

House Joint Resolution No. 0677 -- Naming and Designating -- "Melvin Robinson Day," April 17. by *Dixon, *Turner L, *Jones R, *Brooks, *DeBerry, *Jones U, *Miller, *Kernell.

Calendar and Rules Committee.

House Joint Resolution No. 0691 -- General Assembly, Adjournment, Recess -- Recesses house on April 14, 1994 until 1:00 p.m. April 19, 1994; recesses senate on April 14, 1994 until 9:00 a.m. on April 20, 1994. by *Purcell, *Bittle.

Held on Clerk's desk.

RESOLUTIONS

Pursuant to Rule No. 17, the following resolution(s) was/were introduced and placed on the Consent Calendar for Tuesday, April 19, 1994:

House Resolution No. 0222 -- Memorials, Interns -- April D. Dajero, Intern. by *Whitson.

House Resolution No. 0223 -- Memorials, Interns -- Kaye Crabtree Vaughn, Intern. by *Phillips, *Moore, *Turner B.

House Joint Resolution No. 0697 -- Memorials, Professional Achievement -- James W. Anderson, recipient of the Greater Memphis State's Educator of the Year Award. by *Byrd.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

Senate Joint Resolution No. 0256 -- General Assembly, Studies -- Continues for one year commission created by SJR No. 17 of 98th General Assembly to study adoption laws.

Judiciary Committee.

***Senate Joint Resolution No. 0406** -- Highway Signs -- "Edwin Hickman Memorial Bridge," spanning Duck River on S.R. 48 and 100, Hickman County.

Transportation Committee.

***Senate Joint Resolution No. 0439** -- General Assembly, Studies -- Creates special joint committee to study premium finance companies.

Commerce Committee.

***Senate Joint Resolution No. 0440** -- Naming and Designating -- "Spring Sports Fling Week," May 24-29, 1994.

Calendar and Rules Committee.

Senate Joint Resolution No. 0505 -- General Assembly, Statement of Intent or Position -- Urges 1996 Bicentennial Commission to designate Washington College Academy as "Tennessee Bicentennial School".

Calendar and Rules Committee.

SENATE BILLS TRANSMITTED

On motion, the Senate Bill listed below, transmitted to the House, was held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 2758** -- Telecommunications -- Requires providers of certain telecommunications services to receive certificate of convenience and necessity from PSC before furnishing such services. Amends TCA, Title 65, Chs. 4, 21. (HB 2793).

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or Held on the Clerk's desk as noted:

House Bill No. 2923 -- Columbia -- Held on Clerk's desk pending approval by local delegation.

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

House Bill No. 2924 -- Decherd -- Held on Clerk's desk pending approval by local delegation.

House Bill No. 2925 -- Baileyton -- Held on Clerk's desk pending approval by local delegation.

House Bill No. 2928 -- Red Boiling Springs -- Held on Clerk's desk pending approval by local delegation.

House Bill No. 2930 -- Tipton County -- Held on Clerk's desk pending approval by local delegation.

House Bill No. 2931 -- Wilson County -- Held on Clerk's desk pending approval by local delegation.

House Bill No. 2932 -- Sullivan County -- Held on Clerk's desk pending approval by local delegation.

House Bill No. 2933 -- Cleveland -- Held on Clerk's desk pending approval by local delegation.

House Bill No. 2934 -- Algood -- Held on Clerk's desk pending approval by local delegation.

**REPORT OF DELAYED BILLS COMMITTEE
April 14, 1994**

Pursuant to Rule No. 77, we the undersigned members of the Delayed Bills Committee have approved the following bill(s) to be introduced: House Bill(s) No(s). 2901 and 2908.

Jimmy Naifeh, Speaker
Bill Purcell
H. E. Bittle

REPORTS FROM STANDING COMMITTEES

The committees that met on Thursday, April 14, 1994, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the Regular Calendar for Thursday, April 14, 1994: House Bill(s) No(s). 1398.

The Calendar and Rules Committee met and set the following bill(s) on the Regular Calendar for Tuesday, April 19, 1994: House Bill(s) No(s). 423, 2541, 2647, 2681 and 1815; Senate Joint Resolution(s) No(s). 306; House Bill(s) No(s). 2208, 233, 2604, 2161, 2187, 2092, 2173, 2643, 2633, 2223, 2920, 2087 and 2722; House Joint Resolution(s) No(s). 633, 544 and 416; House Bill(s) No(s). 309; House Joint Resolution(s) No(s). 412, 666, 564 and 520; also, House Bill(s) No(s). 1064.

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Tuesday, April 19, 1994**: House Bill(s) No(s). 2452 and 2891; House Resolution(s) No(s). 178; House Joint Resolution(s) No(s). 582; Senate Joint Resolution(s) No(s). 390; House Joint Resolution(s) No(s). 667; Senate Joint Resolution(s) No(s). 332; House Bill(s) No(s). 2900 and 2272; House Joint Resolution(s) No(s). 381, 512 and 474; Senate Joint Resolution(s) No(s). 137 and 372; House Resolution(s) No(s). 203 (substituted for HJR 368; also, House Joint Resolution(s) No(s). 395 and 617.

We further report that House Bill No. 2729 was re-referred to the Judiciary Committee.

We further report that the following was/were considered but failed to pass: House Bill No. 1440.

CONSENT CALENDAR

***House Joint Resolution No. 0428** -- General Assembly, Studies -- Creates special joint committee to study and coordinate implementation of governor's strategies to solve problems associated with drainage of streams and rivers in West Tennessee.

***House Joint Resolution No. 0455** -- General Assembly, Studies -- Creates special joint committee to study the response of public utilities and public works departments during emergencies.

***House Joint Resolution No. 0638** -- Highway Signs -- "Loretta Lynn Parkway," segment of S.R. 13, Humphreys County.

***House Joint Resolution No. 0663** -- Highway Signs -- "Chris Kilburn Memorial Bridge," Lawrence County.

***Senate Joint Resolution No. 0379** -- Naming and Designating -- "The Year of the Tree," 1994.

House Resolution No. 0183 -- Memorials, Professional Achievement -- Gary Stansberry, New Tazewell Merchants Association's Oldest Merchant award.

House Resolution No. 0184 -- Memorials, Interns -- Sara Camille Huber.

House Resolution No. 0185 -- Memorials, Interns -- Tonya Le'Nee Keys.

House Resolution No. 0186 -- Memorials, Interns -- Lorie Shari Mayberry.

House Resolution No. 0187 -- Memorials, Personal Occasion -- Willie and Eddie Mae Effinger, 50th wedding anniversary.

House Resolution No. 0188 -- Memorials, Interns -- Kevin McKeown Roedel.

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

House Resolution No. 0189 -- Memorials, Interns -- Pamela Sue Roddy.

House Resolution No. 0190 -- Memorials, Personal Occasion -- Tommy and Judy Young, birth of their firstborn, Hunter Rhea Young.

House Resolution No. 0191 -- Memorials, Retirement -- Ray Maples.

House Resolution No. 0192 -- Memorials, Personal Occasion -- The Reverend and Mrs. Swann Bush, 50th wedding anniversary.

House Resolution No. 0193 -- Memorials, Personal Occasion -- Mr. and Mrs. Bruce Bryant, 33rd anniversary.

House Resolution No. 0194 -- Memorials, Personal Occasion -- J.D. Estep, Mayor of Cumberland Gap, 92nd birthday.

House Resolution No. 0195 -- Memorials, Personal Occasion -- Mr. and Mrs. Virgil Duncan, 50th anniversary.

House Resolution No. 0196 -- Memorials, Death -- George Blazer, Parrottsville Mayor.

House Resolution No. 0197 -- Memorials, Personal Occasion -- Jesse and Ruth Rogers, 49th wedding anniversary.

House Resolution No. 0198 -- Memorials, Interns -- Mareka Miche Humphrey.

House Resolution No. 0200 -- Memorials, Personal Occasion -- Mr. and Mrs. Ray Gulley, 31st wedding anniversary.

House Resolution No. 0201 -- Memorials, Professional Achievement -- Jack Elam, Sprint Car Manufacturer of the Year.

House Resolution No. 0202 -- Memorials, Professional Achievement -- Michael P. Ramirez of Commercial Appeal, Pulitzer Prize.

House Resolution No. 0204 -- Memorials, Interns -- Will Pinkston.

House Resolution No. 0205 -- Memorials, Interns -- Suzanna Lynn Thompson.

House Resolution No. 0206 -- Memorials, Interns -- William O. Westerfield.

House Joint Resolution No. 0668 -- Memorials, Recognition and Thanks -- Robert H. (Hank) Davis.

House Joint Resolution No. 0670 -- Memorials, Interns -- Benjamin Jacob Macht.

House Joint Resolution No. 0671 -- Memorials, Retirement -- Mary Ruth Woodard.

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

House Joint Resolution No. 0672 -- Memorials, Recognition and Thanks -- Bill Butner.

House Joint Resolution No. 0673 -- Memorials, Interns -- Joan A. Stewart.

House Joint Resolution No. 0674 -- Memorials, Sports -- Fairview Elementary School boys' basketball team.

House Joint Resolution No. 0675 -- Memorials, Sports -- 1993-1994 Macon County High School girls' basketball team.

House Joint Resolution No. 0676 -- Memorials, Sports -- Pickett County Junior High School girls' basketball team.

House Joint Resolution No. 0678 -- Memorials, Personal Occasion -- Ray Newman, 50th birthday.

House Joint Resolution No. 0679 -- Memorials, Recognition and Thanks -- Oak Elementary School.

House Joint Resolution No. 0680 -- Memorials, Public Service -- David B. Gregory, Director of Legislative Affairs.

House Joint Resolution No. 0681 -- Memorials, Interns -- Elmer P. Ray, III, Governor's Office.

House Joint Resolution No. 0682 -- Memorials, Interns -- Joseph M. Grills, Governor's Office.

Senate Joint Resolution No. 0493 -- Memorials, Retirement -- Clyde T. "Bob" Loftin.

House Bill No. 2854 -- Benton County -- Enacts hotel/motel tax.

House Bill No. 2856 -- Springfield -- Revises city charter. Amends Chapter 1, Private Acts of 1989.

House Bill No. 2911 -- New Johnsonville -- Revises provisions relative to organization of city government. Amends Chapter 77, Private Acts of 1971, as amended.

House Bill No. 2919 -- Lebanon -- Revises charter. Amends Chapter 644, Private Acts of 1911, as amended.

Senate Joint Resolution No. 0442 -- Memorials, Retirement -- John Weems.

Senate Joint Resolution No. 0443 -- Memorials, Academic Achievement -- Mt. Juliet Youth Legislature.

Senate Joint Resolution No. 0444 -- Memorials, Personal Occasion -- Pat and Dorothy Widener, 50th anniversary.

Senate Joint Resolution No. 0446 -- Memorials, Public Service --

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

Tennessee State Museum on success of Anne Frank in the World exhibit.

Senate Joint Resolution No. 0447 -- Memorials, Sports -- Jackson Central Merry High School girls' basketball team.

Senate Joint Resolution No. 0448 -- Memorials, Sports -- Milan High School football team.

Senate Joint Resolution No. 0451 -- Memorials, Public Service -- Northeast Tennessee SCORE Chapter 584 selected as "Chapter of the Year".

Senate Joint Resolution No. 0452 -- Memorials, Sports -- Superintendent Ernest Rasar, TSSAA Hall of Fame.

Senate Joint Resolution No. 0453 -- Memorials, Sports -- Hunter Jackson, Tennessee Sports Hall of Fame.

Senate Joint Resolution No. 0454 -- Memorials, Sports -- 1993 Jackson Central-Merry High School football team.

Senate Joint Resolution No. 0455 -- Memorials, Sports -- Gibson County High School boys' and girls' basketball teams.

Senate Joint Resolution No. 0456 -- Memorials, Sports -- Hollow Rock-Bruceton Central High School football team.

Senate Joint Resolution No. 0457 -- Memorials, Sports -- Milan High School boys' basketball team.

Senate Joint Resolution No. 0458 -- Memorials, Death -- Irene Bailey Baker.

Senate Joint Resolution No. 0459 -- Memorials, Sports -- 1993-1994 Millington High School boys' basketball team.

Senate Joint Resolution No. 0464 -- Memorials, Sports -- Bradford High School girls' basketball team.

Senate Joint Resolution No. 0465 -- Memorials, Sports -- Peabody High School boys' basketball team.

Senate Joint Resolution No. 0467 -- Memorials, Public Service -- Chief David Long Key.

Senate Joint Resolution No. 0468 -- Memorials, Public Service -- James A. Donoho.

Senate Joint Resolution No. 0469 -- Memorials, Retirement -- Howard H. Penuel.

Senate Joint Resolution No. 0470 -- Memorials, Retirement -- Cavit C. Cheshier.

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

Senate Joint Resolution No. 0471 -- Memorials, Sports -- West Carroll High School War Eagles football team.

Senate Joint Resolution No. 0472 -- Memorials, Sports -- West Carroll High School War Eagles boys' basketball squad.

Senate Joint Resolution No. 0474 -- Memorials, Sports -- 1993-1994 Hancock County girls' basketball team, TSSAA state tournament participant.

Senate Joint Resolution No. 0475 -- Memorials, Death -- Joe James Blair, Loudon.

Senate Joint Resolution No. 0476 -- Memorials, Interns -- Diane S. Lingerfelt.

Senate Joint Resolution No. 0477 -- Memorials, Public Service Base -- Wilburn Frankfort "Jumbo" Little.

Senate Joint Resolution No. 0478 -- Memorials, Recognition and Thanks -- Westminster School, 25th Anniversary.

Senate Joint Resolution No. 0479 -- Memorials, Retirement -- Fred A. Kelly, III.

Senate Joint Resolution No. 0480 -- Memorials, Professional Achievement -- Frank L. Greathouse, Tennessee Accounting Hall of Fame.

Senate Joint Resolution No. 0481 -- Memorials, Recognition and Thanks -- Johnny Theibert Montgomery.

Senate Joint Resolution No. 0482 -- Memorials, Sports -- 1993-1994 South Side High School boys' basketball team.

Senate Joint Resolution No. 0483 -- Memorials, Sports -- 1993-1994 South Side High School girls' basketball team.

Senate Joint Resolution No. 0484 -- Memorials, Sports -- 1993-1994 North Side High School boys' basketball team.

Senate Joint Resolution No. 0485 -- Memorials, Sports -- Jackson Central-Merry boys' basketball team.

Senate Joint Resolution No. 0486 -- Memorials, Sports -- 1993 Humboldt High School football team.

Senate Joint Resolution No. 0487 -- Memorials, Sports -- 1993-1994 Humboldt High School girls' basketball team.

Senate Joint Resolution No. 0488 -- Memorials, Sports -- 1993-94 Humboldt High School boys basketball team.

Senate Joint Resolution No. 0489 -- Memorials, Recognition and Thanks -- Michelle Overton.

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

Senate Joint Resolution No. 0490 -- Memorials, Public Service -- Bob J. Dunavant.

Senate Joint Resolution No. 0491 -- Memorials, Public Service -- Dr. Sidney G. Gilbreath, III.

Senate Joint Resolution No. 0492 -- Memorials, Interns -- Lisa Lee.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

Senate Joint Resolution No. 493: by Rep. McDaniel.

House Bill No. 2854; by Rep. Ridgeway.

Under the rules, Senate Joint Resolution No. 493 and House Bill No. 2854 was/were placed at the foot of the calendar for Tuesday, April 19, 1994.

Pursuant to Rule No. 50, Rep. Turner (Hamilton) moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 1688 -- District Attorneys -- Creates additional assistant district attorney general position for 22nd judicial district. Amends TCA 16-2-506.

Further consideration of House Bill No. 1688, previously considered on April 4, 1994, at which time it was reset to the Calendar for April 14, 1994.

Rep. Napier moved that House Bill No. 1688 be reset to the Calendar for Wednesday, April 20, 1994, which motion prevailed.

***Senate Bill No. 2061** -- Secretary of State -- Clarifies additional tax on filing documents with secretary of state shall be considered fee for administrative purposes. Amends TCA 67-4-412.

Further consideration of Senate Bill No. 2061, previously considered on April 6, 1994, at which time it was substituted for House Bill No. 2225, Amendment No. 1 was withdrawn, and it was reset to the Calendar for April 14, 1994.

Rep. Joyce moved that **Senate Bill No. 2061** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Haltzman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 2683** -- Alcoholic Beverages -- Clarifies distribution process for beer sold by microbreweries. Amends TCA 57-5-201.

Further consideration of House Bill No. 2683, previously considered on April 11, 1994, at which time it was objected to on

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

the Consent Calendar and reset to the Calendar for April 14, 1994.

On motion, House Bill No. 2683 was made to conform with **Senate Bill No. 2691**; the Senate Bill was substituted for the House Bill.

Rep. Bragg moved that **Senate Bill No. 2691** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	73
Noes.	18
Present and not voting.	4

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Davidson, Davis, DeBerry, Dixon, Duer, Fisher, Fowlkes, Garrett, Gunnels, Halteman Harwell, Hargrove, Hassell, Head, Hillis, Huskey, Jones R (Shelby), Kent, Kernell, Kisber, Knight, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Peroulas Draper, Phelan, Phillips, Pruitt, Purcell, Rhinehart, Rigsby, Rinks, Robinson, Severance, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, West, Westmoreland, Whitson, Williams (Shelby), Williams (Williamson), Wix, Mr. Speaker Naifeh -- 73.

Representatives voting no were: Cross, Ferguson, Givens, Haley, Haun, Herron, Jackson, McAfee, Pinion, Ramsey, Ridgeway, Ritchie, Stockburger, Walley, Williams (Union), Windle, Winningham, Wood -- 18.

Representatives present and not voting were: Boyer, Johnson, Lewis, Owenby -- 4.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from aye to no on Senate Bill No. 2691 and have this statement entered in the Journal: Rep(s). Fisher and Knight.

REGULAR CALENDAR, CONTINUED

***House Bill No. 2380** -- Agriculture, Dept. of -- Revises certain fees imposed by the department of agriculture, plant industries division. Amends TCA, Titles 43, 62.

Further consideration of House Bill No. 2380, previously considered on March 24; April 7 and 11, 1994, at which time the House adopted Amendment Nos. 1 and 2; withdrew Amendment No. 3; a motion was made to adopt Amendment No. 4. The bill was then reset to the Calendar for April 14, 1994.

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

Rep. Walley moved that House Bill No. 2380 be passed on third and final consideration.

Rep. Bragg moved that Amendment No. 4, previously filed, be withdrawn, which motion prevailed.

Rep. Bragg moved that the House reconsider its action on Amendment No. 2, which motion prevailed.

Rep. Bragg moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Bragg moved that Amendment No. 5 be withdrawn, which motion prevailed.

Rep. Walley moved to adopt Amendment No. 6 as follows:

Amendment No. 6

Amend House Bill No. 2380 by adding amendatory language to subsection (f) of Section 2, to read as follows:

(f) Subject to the foregoing requirement, moneys in the fund shall be expended at the direction of the commissioner of agriculture only to implement and effectuate the purposes of title 43, chapter 6, part 1, and it is hereby declared the legislative intent that moneys in the fund shall not reduce appropriations which would otherwise be made relative to such purposes. Moneys deposited in the fund shall not revert at the end of any fiscal year; and all interest accruing on investments and deposits of the fund not otherwise expended shall be returned to and made a part of the fund. With respect to expenditures from the annual appropriations, the commissioner shall consult with a committee made up of the following: a nurseryman, actively engaged in the nursery business and designated by the Tennessee Nurserymen's Association; a greenhouse plant producer actively engaged in the business and designated by the plant production business; a representative designated by the Tennessee Farm Bureau; and a licensed pest control operator actively engaged in the pest control business and designated by the Tennessee Pest Control Association.

On motion, Amendment No. 6 was adopted.

Rep. Bragg moved that House Bill No. 2380, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd,

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on House Bill No. 2380 and have this statement entered in the Journal: Rep(s). Halteman Harwell.

REGULAR CALENDAR, CONTINUED

House Bill No. 1247 -- Criminal Offenses -- Elevates simple assault upon pregnant woman to aggravated assault if fetus is viable at time of assault. Amends TCA 39-13-102.

Further consideration of House Bill No. 1247, previously considered on April 11, 1994, at which time it was reset to the Calendar for April 14, 1994.

Rep. Williams (Shelby) moved that **House Bill No. 1247** be re-referred to the Calendar and Rules Committee, which motion prevailed.

House Bill No. 2276 -- Criminal Offenses -- Creates Class A misdemeanor offense of intercepting communications between cordless or cellular telephones and Class E felony offense of disseminating intercepted communication to another. Amends TCA, Title 39; Title 47, Ch. 25; Title 65, Ch. 21.

Further consideration of House Bill No. 2276, previously considered on April 11, 1995, at which time it was reset to the Calendar for April 14, 1994.

Rep. Buck requested that House Bill No. 2276 be moved down 5 places on the Calendar.

***House Bill No. 1644 -- Education --** Authorizes use of not more

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

than five days of accumulated time from longer school days to meet 180 instructional day requirement. Amends TCA 49-6-3004.

Further consideration of House Bill No. 1644, previously considered on April 11, 1994, at which time it was reset to the Calendar for April 14, 1994.

Rep. Moore requested that House Bill No. 1644 be moved down 5 places on the Calendar.

***House Bill No. 2581 -- Jails, Local Lock-ups --** Discontinues payments to countie and municipalities for keeping state prisoners in county or municipal jails. Amends TC

On motion of Rep Rhinehart, **House Bill No. 2581** was withdrawn from the House.

***House Bill No. 2444 -- Education --** Adds development of discipline program for disruptive students as authorized activity for extended contract; includes assessment of civil penalty if parent or guardian fails to cooperate with school personnel. Amends TCA, Title 37, Ch. 1, Pt. 1, 49-5-5209.

On motion, House Bill No. 2444 was made to conform with **Senate Bill No. 2777**; the Senate Bill was substituted for the House Bill.

Rep. Winningham moved that **Senate Bill No. 2777** be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2777 by adding the following new section to be appropriately designated:

SECTION _____. Each local education agency shall submit a report to the education committees of the Senate and House of Representatives by January 1 each year of the number of places which are required in alternative schools within that system to accommodate students in that system placed in alternative schools.

On motion, Amendment No. 1 was adopted.

Rep. Winningham moved to adopt Amendment No. 2 as follows:

Amendment No. 2

Amend Senate Bill No. 2777 by adding the following language at the end of the amendatory language of Section 2:

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

Any civil penalty assessed by the court shall be collected and forwarded to the LEA in which the student is enrolled to be used by such LEA for counseling services and materials.

Rep. Davis moved the previous question, which motion prevailed.

On motion, Amendment No. 2 was adopted.

Rep. Winningham moved that **Senate Bill No. 2777** be passed on third and final consideration.

Rep. Phelan moved the previous question, which motion prevailed.

Rep. Winningham moved that **Senate Bill No. 2777**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	1
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Turner (Shelby) -- 1.

Representatives present and not voting were: Hassell -- 1.

A motion to reconsider was tabled.

House Bill No. 2616 -- Education -- Requires student to maintain passing grades to obtain or retain driver license. Amends TCA 49-6-3017.

On motion, House Bill No. 2616 was made to conform with **Senate Bill No. 2625**; the Senate Bill was substituted for the House Bill.

Rep. Winningham moved that **Senate Bill No. 2625** be passed on third and final consideration.

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

Rep. Winningham moved that **Senate Bill No. 2625** be passed on third and final consideration.

Rep. Owenby moved the previous question, which motion prevailed.

Rep. Winningham moved that **Senate Bill No. 2625** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	77
Noes.	17
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Boyer, Bragg, Brown, Byrd, Chiles, Chumney, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Herron, Hillis, Huskey, Jackson, Johnson, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Walley, West, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Mr. Speaker Naifeh -- 77.

Representatives voting no were: Armstrong, Bittle, Buck, Callicott, Coffey, Haun, Head, Jones R (Shelby), Joyce, Kent, Kernell, Miller, Rhinehart, Stockburger, Turner (Shelby), Venable, Westmoreland -- 17.

Representatives present and not voting were: Brooks, Fowlkes -- 2.

A motion to reconsider was tabled.

CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from no to aye on **Senate Bill No. 2625** and have this statement entered in the Journal: Rep(s). Bittle.

REGULAR CALENDAR, CONTINUED

House Bill No. 2285 -- Human Rights -- Makes native Americans eligible to receive any benefit available to any other minority group. Amends TCA, Title 4, Ch. 34; Title 11, Ch. 6.

Rep. Ritchie moved that **House Bill No. 2285** be passed on third and final consideration.

Rep. Ritchie moved that House Bill No. 2285 be reset to the Calendar for Wednesday, April 20, 1994, which motion prevailed.

House Bill No. 2276 -- Criminal Offenses -- Creates Class A misdemeanor offense of intercepting communications between cordless or cellular telephones and Class E felony offense of disseminating intercepted communication to another. Amends TCA, Title 39; Title 47, Ch. 25; Title 65, Ch. 21.

Further consideration of House Bill No. 2276, previously considered on today's Calendar.

Rep. Buck moved that House Bill No. 2276 be passed on third and final consideration.

Rep. Buck requested that Judiciary Committee Amendment No. 1 be moved to the heel of the Amendments.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

Amendment No. 2

Amend House Bill No. 2276 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. (a) It is an offense for a person to knowingly photograph or cause to be photographed an individual, when such individual is in a place where there is a reasonable expectation of privacy, without the prior effective consent of such individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian if such photograph:

(1) Would offend or embarrass an ordinary person if such person appeared in the photograph; and

(2) Was taken for the purpose of sexual arousal and gratification of the defendant.

(b) As used in this section, unless the context otherwise requires, "photograph" means any photograph or photographic reproduction, still or moving, or any videotape or live television transmission of any individual so that such individual is readily identifiable.

(c) All photographs taken in violation of this section shall be confiscated and, after their use as evidence, destroyed.

(d)

(1) Violation of this section is a Class B misdemeanor.

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

(2) If the defendant disseminates or permits the dissemination of the photograph to any other person, violation of this section is a Class A misdemeanor.

On motion, Amendment No. 2 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 3 as follows:

Amendment No. 3

Amend House Bill No. 2276 by deleting subsection (b) of the amendatory language of SECTION 1 and substituting instead the following:

(b) A person commits an offense who, without the consent of at least one (1) party to a communication, intentionally records or disseminates a communication transmitted between two cellular radio telephones, a cellular radio telephone and a landline telephone, two cordless telephones, a cordless telephone and a landline telephone, or a cordless telephone and a cellular radio telephone.

Rep. Rhinehart moved the previous question, which motion prevailed.

On motion, Amendment No. 3 was adopted, with Rep. Coffey requesting to be recorded as voting no.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 4 as follows:

Amendment No. 4

Amend House Bill No. 2276 by designating the existing language of subsection (b) of the amendatory language of SECTION 1, as amended by House Judiciary Committee Amendment No. 3, as subsection (b)(1) and by adding the following new subsection (b)(2):

(2) A person commits an offense who, without the consent of at least one (1) party to a communication, intentionally intercepts and records or disseminates a communication of another by use of an electronic disc of dish designed to intercept and amplify sound waves.

On motion, Amendment No. 4 was adopted.

Rep. Buck moved to adopt Amendment No. 5 as follows:

Amendment No. 5

AMEND House Bill No. 2276 by adding the following new subsection to the amendatory language of SECTION 1:

() The judge of a court of record having domestic relations jurisdiction may authorize any individual to intercept, record, disseminate and use communications that would otherwise be prohibited by this act upon an ex parte showing by such investigator that there is probable cause to believe that the health, safety and welfare of a minor is in jeopardy. To obtain such authorization, the individual shall follow the same procedures other than those requiring action by the Tennessee Bureau of Investigation and comply with the same requirements as are set out in the "Wiretapping and Electronic Surveillance Act of 1994" (Chapter ___ of the Public Acts of 1994, Senate Bill 2708/House 2153) for the interception and use of wire, oral and electronic communications.

Rep. Buck requested that House Bill No. 2276 be moved down 2 places on the Calendar.

***House Bill No. 1644** -- Education -- Authorizes use of not more than five days of accumulated time from longer school days to meet 180 instructional day requirement. Amends TCA 49-6-3004.

Rep. Moore requested that House Bill No. 1644 be moved down 10 places on the Calendar.

House Bill No. 2303 -- Driver Licenses -- Provides that a restricted commercial driver license may be issued to a person under a driver license suspension or revocation if the underlying offense was not committed in commercial motor vehicle. Amends TCA, Title 55, Ch. 50.

On motion, House Bill No. 2303 was made to conform with Senate Bill No. 2103; the Senate Bill was substituted for the House Bill.

Rep. West moved that Senate Bill No. 2103 be passed on third and final consideration.

Rep. Clark moved the previous question, which motion failed by the following vote:

Ayes.	51
Noes.	31
Present and not voting.	2

Representatives voting aye were: Armstrong, Arriola, Bell, Bragg, Brooks, Buck, Byrd, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, DeBerry, Ferguson, Fisher, Fowlkes, Garrett, Haley, Head, Hillis, Jackson, Johnson, Joyce, Kent, Kisber, Lewis, Love, Miller, Mires, Moore, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Stulce, Tindell, Whitson, Windle, Winningham, Wix -- 51.

Representatives voting no were: Allen, Anderson, Bittle, Boyer, Brown, Callicott, Coffey, Duer, Gunnels, Halteman Harwell, Hassell, Haun, Herron, Jones R (Shelby), Kernell, Knight, McDaniel, McKee, Napier, Ramsey, Shirley, Stockburger, Turner (Hamilton), Turner (Shelby), Venable, Walley, Westmoreland, Williams (Shelby), Williams (Union), Williams (Williamson), Wood -- 31.

Representatives present and not voting were: Givens, Purcell -- 2.

Rep. West requested that Senate Bill No. 2103 be moved down 10 places on the Calendar.

House Bill No. 2276 -- Criminal Offenses -- Creates Class A misdemeanor offense of intercepting communications between cordless or cellular telephones and Class E felony offense of disseminating intercepted communication to another. Amends TCA, Title 39; Title 47, Ch. 25; Title 65, Ch. 21.

Rep. Buck requested that House Bill No. 2276 be moved down 2 places on the Calendar.

***House Bill No. 2680 -- Taxes, Sales -- Raises tax credit from 50 to 65 percent on replacement equipment for dry cleaners. Amends TCA 67-6-346.**

On motion, House Bill No. 2680 was made to conform with **Senate Bill No. 2676**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that **Senate Bill No. 2676** be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Kisber moved that **Senate Bill No. 2676** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Jackson, Johnson, Jones R (Shelby), Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie,

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Joyce -- 1.

A motion to reconsider was tabled.

House Bill No. 2546 -- Environmental Preservation -- Requires state government to fund cost imposed by mandated environmental regulations that are more stringent than federal regulations. Amends TCA, Title 68.

On motion, House Bill No. 2546 was made to conform with **Senate Bill No. 2040**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that **Senate Bill No. 2040** be passed on third and final consideration.

On motion, Rep. Hillis withdrew Conservation and Environment Committee Amendment No. 1.

Rep. Kisber moved that **Senate Bill No. 2040** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	87
Noes.	4
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Hillis, Huskey, Johnson, Joyce, Kent, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 87.

Representatives voting no were: Callicott, Jackson, Jones R (Shelby), Ritchie -- 4.

Representatives present and not voting were: Lewis -- 1.

A motion to reconsider was tabled.

House Bill No. 2276 -- Criminal Offenses -- Creates Class A misdemeanor offense of intercepting communications between cordless or cellular telephones and Class E felony offense of disseminating intercepted communication to another. Amends TCA, Title 39; Title 47, Ch. 25; Title 65, Ch. 21.

Further consideration of House Bill No. 2276, previously considered on today's Calendar.

Rep. Buck moved to amend as follows:

Amendment No. 1 to Amendment No. 5

AMEND House Bill No. 2276 by deleting the last sentence of the amendatory language of Amendment No. 5.

AND FURTHER AMEND by adding the following as a new appropriately designated subsection:

() For the purposes of this act, "disseminating" shall mean the playing or duplicating of the recording in a manner other than authorized herein.

On motion, Amendment No. 1 to Amendment No. 5 was adopted.

Rep. Chumney moved that Amendment No. 5, as amended, be tabled, which motion failed by the following vote:

Ayes.	24
Noes.	61
Present and not voting.	2

Representatives voting aye were: Armstrong, Arriola, Brooks, Brown, Chumney, Clark, Cole (Carter), DeBerry, Hassell, Head, Jackson, Kent, Kernell, Kisber, Knight, Miller, Owenby, Phillips, Robinson, Severance, Thompson, Turner (Hamilton), Turner (Shelby), Wix -- 24.

Representatives voting no were: Allen, Anderson, Bell, Bittle, Boyer, Bragg, Byrd, Callicott, Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, Dixon, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Herron, Hillis, Huskey, Johnson, Joyce, Lewis, Liles, McAfee, McDaniel, McKee, Meyer, Mires, Moore, Napier, Peroulas Draper, Phelan, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Ritchie, Shirley, Stamps, Stockburger, Stulce, Tindell, Venable, Walley, West, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 61.

Representatives present and not voting were: Haun, Love -- 2.

Rep. Buck moved Amendment No. 5, as amended, to the heel of the Amendments, which motion prevailed.

Rep. Williams (Shelby) moved that the House reconsider its

action on Amendment No. 4, which motion prevailed.

Rep. Williams (Shelby) moved to amend as follows:

Amendment No. 1 to Amendment No. 4

Amend House Bill No. 2276 by deleting the words "disc of dish" and substituting instead the words "disc or dish".

On motion, Amendment No. 1 to Amendment No. 4 was adopted.

Rep. Buck moved to adopt Amendment No. 4, as amended, which motion prevailed.

Rep. Buck moved that Amendment No. 6 be withdrawn, which motion prevailed.

Rep. Buck moved to adopt Amendment No. 7 as follows:

Amendment No. 7

AMEND House Bill No. 2276 by deleting subsection (c)(4) of the amendatory language of SECTION 1 in its entirety.

AND FURTHER AMEND by adding the following new subsection to the amendatory language of SECTION 1:

()

(1) A law enforcement officer may record a protected communication where preservation and retention of such recorded communication is pertinent to a criminal investigation provided such officer follows the procedure set out in this subsection.

(2) When an officer records a protected communication, such officer shall label each such recording with the following information:

(A) The name of the officer making the recording; and

(B) The date and time the recording is made.

(3) Within forty-eight (48) hours of a law enforcement officer recording a protected communication, such officer shall apply to a judge authorized to issue a search warrant for an order authorizing continued recording and preservation and retention of the recordings already made. No dissemination or duplication of such recording shall be made prior to the receipt of such court order.

(4) The officer shall certify to the judge in a

written application under oath that the recording is pertinent to a criminal investigation, the nature of the offense under investigation, and the address, if known, of the location of the cordless or cellular telephone communication intercepted.

(5) If the judge finds that the information contained in the officer's written application complies with the provisions of subpart (4) of this subsection, such judge shall issue a court order authorizing the preservation, retention or continued recording of protected communications. Such order shall include the date and time of the recording, the nature of the crime under investigation, and the address, if known, of the location of the cordless or cellular telephone intercepted. An application and order under this section shall be sealed unless otherwise ordered by the court. Custody of the sealed application and order shall be wherever the judge directs.

(6) If no application for an order is made authorizing the preservation and retention of recorded protected communications within the forty-eight (48) hour period or if the officer does not comply with the provisions of subpart (4) of this subsection, the recording shall be destroyed.

(7) No recording of a protected communication, or any information contained therein, may be used as evidence unless such recording was obtained in accordance with the provisions of this section. Provided, however, nothing in this section shall be construed to preclude the introduction of evidence derived independently from sources other than the recording.

AND FURTHER AMEND by adding the following as a new, appropriately designated subsection to Section 1:

() A judge vested with the authority to issue an order permitting recordation of cellular or cordless telephone conversations as provided in this section may permit other individuals to record and disseminate recordings of such protected communications upon a sworn petition by a licensed cordless or cellular telephone agency or other private individual showing probable cause that a felony has been or is about to be committed. The court issuing the order shall determine in the order the length of time that recording shall be permitted and shall likewise order the final disposition of all recordings taken herein.

On motion, Amendment No. 7 was adopted.

Rep. Buck moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Buck renewed the motion to adopt Amendment No. 5, as amended.

Rep. Phelan moved the previous question, which motion prevailed by the following vote:

Ayes.	65
Noes.	18
Present and not voting.	3

Representatives voting aye were: Anderson, Arriola, Bell, Bragg, Brooks, Byrd, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Gunnels, Halteman Harwell, Hargrove, Head, Herron, Hillis, Jackson, Johnson, Joyce, McAfee, McKee, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Venable, Walley, West, Westmoreland, Whitson, Williams (Union), Windle, Winningham, Wix, Wood -- 65.

Representatives voting no were: Allen, Armstrong, Bittle, Boyer, Brown, Callicott, Chumney, Hassell, Kent, Kernell, Knight, McDaniel, Meyer, Miller, Peroulas Draper, Turner (Hamilton), Turner (Shelby), Williams (Shelby) -- 18.

Representatives present and not voting were: Givens, Love, Williams (Williamson) -- 3.

On motion, Amendment No. 5, as amended, was adopted.

Rep. Chumney moved to reconsider Amendment No. 5, as amended, to allow members to vote electronically, which motion prevailed.

Amendment No. 5, as amended, was adopted by the following vote:

Ayes.	53
Noes.	33
Present and not voting.	4

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Byrd, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, Duer, Ferguson, Fisher, Fowlkes, Garrett, Gunnels, Halteman Harwell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Lewis, McAfee, McKee, Mires, Moore, Napier, Phelan, Pinion, Ramsey, Rhinehart, Rigsby, Robinson, Severance, Stamps, Stulce, Venable, Walley, West, Westmoreland, Whitson, Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 53.

Representatives voting no were: Armstrong, Boyer, Brown, Callicott, Chiles, Chumney, DeBerry, Dixon, Givens, Haley, Hassell, Jones R (Shelby), Joyce, Kent, Kernell, Knight, Liles, McDaniel,

Meyer, Miller, Odom, Peroulas Draper, Phillips, Pruitt, Rinks, Ritchie, Shirley, Stockburger, Tindell, Turner (Hamilton), Turner (Shelby), Williams (Shelby), Williams (Union) -- 33.

Representatives present and not voting were: Bragg, Purcell, Ridgeway, Williams (Williamson) -- 4.

Rep. Rhinehart moved the previous question, which motion failed by the following vote:

Ayes.	61
Noes.	29
Present and not voting.	3

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Boyer, Bragg, Byrd, Chiles, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, Duer, Fowlkes, Garrett, Givens, Gunnels, Halteman Harwell, Hargrove, Head, Hillis, Huskey, Jackson, Johnson, Joyce, Lewis, Love, McAfee, McKee, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Severance, Stamps, Stulce, Tindell, Venable, Walley, West, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wix -- 61.

Representatives voting no were: Armstrong, Brown, Callicott, Chumney, Coffey, DeBerry, Dixon, Ferguson, Fisher, Haley, Hassell, Haun, Herron, Jones R (Shelby), Kent, Kernell, Knight, Liles, McDaniel, Meyer, Miller, Peroulas Draper, Ramsey, Shirley, Stockburger, Turner (Shelby), Westmoreland, Williams (Shelby), Wood -- 29.

Representatives present and not voting were: Purcell, Ritchie, Turner (Hamilton) -- 3.

Rep. Turner (Hamilton) moved the previous question, which motion prevailed.

House Bill No. 2276, as amended, passed on third and final consideration by the following vote:

Ayes.	57
Noes.	32
Present and not voting.	4

Representatives voting aye were: Allen, Arriola, Bell, Bragg, Brown, Buck, Byrd, Chumney, Clark, Crain, Cross, Davidson, Davis, Duer, Ferguson, Garrett, Givens, Gunnels, Halteman Harwell, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Kisber, Lewis, Love, McAfee, McDaniel, McKee, Mires, Moore, Napier, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Stamps, Stulce, Tindell, Venable, Walley, West, Whitson, Williams (Shelby), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 57.

Representatives voting no were: Anderson, Armstrong, Bittle,

Boyer, Callicott, Chiles, Cole (Carter), Cole (Dyer), DeBerry, Dixon, Fisher, Haley, Hassell, Jackson, Joyce, Kent, Kernell, Knight, Liles, Meyer, Miller, Owenby, Ramsey, Severance, Shirley, Stockburger, Turner (Hamilton), Turner (Shelby), Westmoreland, Williams (Union), Williams (Williamson), Wix -- 32.

Representatives present and not voting were: Coffey, Fowlkes, Hargrove, Haun -- 4.

A motion to reconsider was tabled.

House Bill No. 1734 -- Taxes, Sales -- Includes in definition of farm equipment and machinery exempt from sales tax systems for feeding and watering poultry and conveying eggs, if retail price exceeds \$250. Amends TCA 67-6-102.

On motion, House Bill No. 1734 was made to conform with **Senate Bill No. 1786**; the Senate Bill was substituted for the House Bill.

Rep. Phillips moved that **Senate Bill No. 1786** be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Hillis moved the previous question, which motion prevailed.

Senate Bill No. 1786 passed on third and final consideration by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 2648** -- State Prisoners -- Requires commissioner of correction to notify chief of police or sheriff when person

convicted of homicide, rape or aggravated rape is furloughed or on work release. Amends TCA, Title 41, Ch. 21, Pt. 2.

On motion, House Bill No. 2648 was made to conform with **Senate Bill No. 2776**; the Senate Bill was substituted for the House Bill.

Rep. Pinion moved that **Senate Bill No. 2776** be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. Pinion moved that **Senate Bill No. 2776** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1231 -- Insurance, Health, Accident -- Removes disability insurance from definition of "casualty insurance"; adds accident and health insurance. Amends TCA, Title 56.

On motion, House Bill No. 1231 was made to conform with **Senate Bill No. 932**; the Senate Bill was substituted for the House Bill.

Rep. Byrd moved that **Senate Bill No. 932** be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Byrd moved to adopt Amendment No. 2 as follows:

Amendment No. 2

Amend Senate Bill No. 932 by deleting from Section 1, as amended, the words and punctuation "employee welfare plans," and by substituting instead the following:

employee welfare benefit plans,

On motion, Amendment No. 2 was adopted.

Rep. Byrd moved that **Senate Bill No. 932**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 1035 -- Nurses, Nursing -- Increases nurse assistant's in-service training requirement from 10 to 12 hours per year. Amends TCA, Title 68, Ch. 11.

Rep. Arriola moved that **House Bill No. 1035** be reset to the Calendar for Tuesday, April 19, 1994, which motion prevailed.

House Bill No. 2812 -- Pensions and Retirement Benefits -- Authorizes certain additional contributions of members' earnable compensation be refunded to certain firefighters in certain circumstances. Amends TCA, Title 8, Ch. 36, Pt. 2.

On motion, **House Bill No. 2812** was made to conform with **Senate Bill No. 2686**; the Senate Bill was substituted for the House Bill.

Rep. Venable moved that **Senate Bill No. 2686** be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Council on Pensions and Insurance Committee Amendment No. 1.

Rep. Venable moved that **Senate Bill No. 2686** be passed on third and final consideration.

Rep. Phelan moved the previous question, which motion prevailed.

Senate Bill No. 2686 passed on third and final consideration by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 0192 -- Taxes, Sales --** Increases from \$500 to \$1,000 amount of average monthly liability which triggers commissioner's authority to require advance estimated payments of tax. Amends TCA, Title 67, Ch. 6.

Rep. Purcell moved that House Bill No. 192 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 192 by deleting Sections 1 and 2 in their entirety and by substituting instead the following:

Section 1. Tennessee Code Annotated, Title 67, Chapter 6, Part 5, is amended by adding the following new, appropriately numbered subsections thereto:

(a) The commissioner shall refund the total amount of sales and use taxes paid by a motion picture production company, of the type referred to in Major

Group 78, Industry No. 7812 of the Standard Industrial Classification Manual of 1987, located outside the state. The company must demonstrate to the satisfaction of the commissioner that it paid a sum not less than five hundred thousand dollars (\$500,000) for goods and services in Tennessee in connection with the filming or production of a motion picture for distribution in commercially operated theaters or in television programming. The filming in Tennessee must also be completed during a period of twelve (12) months or less.

(b) The commissioner is authorized to make refunds to the motion picture production company pursuant to this section, provided a claim is filed with the commissioner, under oath and supported by proper proof, within six (6) months from December 31 of the year in which the production ended. The provisions of Tennessee Code Annotated, Section 67-1-1802, do not apply to refunds made pursuant to this section.

Section 2. This act shall take effect upon becoming law, the public welfare requiring it, and shall apply to purchases made on or after the effective date.

On motion, Amendment No. 1 was adopted.

Rep. Purcell moved that **House Bill No. 192**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

***House Bill No. 1644 -- Education -- Authorizes use of not more**

than five days of accumulated time from longer school days to meet 80 instructional day requirement. Amends TCA 49-6-3004.

Further consideration of House Bill No. 1644, previously considered on today's Calendar.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

Rep. Davidson moved adoption of Education Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1644 by deleting all the language after the enacting clause and by substituting the following:

SECTION 1. Tennessee Code Annotated, Section 49-6-3004(e)(1) is amended by deleting it in its entirety and replacing it with the following:

A local board of education or private or church-related school which exceeds the full six and one-half (6 1/2) hour instructional time required by law by at least one-half (1/2) hour daily for the full academic year shall be credited with such additional instructional time. The excess instructional time shall be accumulated in amounts up to but not exceeding thirteen (13) instructional days each year and applied toward meeting instructional time requirements missed due to dangerous or extreme weather conditions.

SECTION 2. Tennessee Code Annotated, Section 49-6-3004(e)(2) is amended by deleting the first two (2) sentences.

SECTION 3. For the 1993-1994 school year, local education agencies may accumulate time from seven-hour instructional days commenced at any time. If a local education agency has conducted classes for at least seven (7) hours per instructional day for the full school year, the three (3) day requirement of subdivision (e)(2) is waived for this school year. Private and church-related schools may accumulate additional days for the 1993-1994 school year on the same basis provided for in this act for local education agencies. This act shall have no impact on local education agencies which have taken other actions to make up days lost to dangerous or extreme weather conditions.

SECTION 4. Sections 1 and 2 of this act shall take effect July 1, 1994, the public welfare requiring it. Section 3 of this act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to

the 1993-1994 school year.

On motion, Amendment No. 2 was adopted.

House Bill No. 1644, as amended, passed on third and final consideration by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Mires, Moore, Napier, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

*Senate Bill No. 2103 -- Driver Licenses -- Provides that a restricted commercial driver license may be issued to a person under a driver license suspension or revocation if the underlying offense was not committed in commercial motor vehicle. Amends TCA, Title 55, Ch. 50.

Rep. West moved that Senate Bill No. 2103 be reset to the Calendar for Tuesday, April 19, 1994, which motion prevailed.

House Bill No. 1135 -- Hazardous Materials -- Revises Tennessee Hazardous Waste Management Act. Amends TCA 68-212-104, 108, 68-212-202--207, 209.

On motion, House Bill No. 1135 was made to conform with Senate Bill No. 876; the Senate Bill was substituted for the House Bill.

Rep. Purcell moved that Senate Bill No. 876 be passed on third and final consideration.

On motion, Rep. Hillis withdrew Conservation and Environment Committee Amendment No. 1.

Rep. Hillis moved adoption of Conservation and Environment Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 876 by adding the words "or to be expended" to the end of the amendatory language in Section 10(a) of the printed bill.

AND FURTHER AMEND by deleting from the amendatory language of Section 10 of the printed bill described as Tennessee Code Annotated, Section 68-212-207(b)(1)(A)(i), the words "or which result from the cleanup of the site".

AND FURTHER AMEND by adding in Section 10 of the printed bill the the following new subdivisions (vi) and (vii) to the amendatory language described as Tennessee Code Annotated, Section 68-212-107(b)(1)(A):

vi. The monetary benefit accruing to an owner as a result of the cleanup of the site if, at the time of acquisition of the site, such owner knew or should have known that hazardous substances were previously disposed of at the site.

vii. The monetary benefit accruing to an owner as a result of the cleanup of the site if said owner was the owner at the time hazardous substances were disposed of on the property and knew or should have known of such disposal.

AND FURTHER AMEND by deleting Section 11 in its entirety and by substituting instead the following new Section 11:

Section 11. Tennessee Code Annotated, Section 68-212-209, is amended by deleting subsection (b) and by substituting a new subsection (b) as follows:

(b) Whenever the commissioner expends money to investigate, identify, contain, monitor, maintain or clean up a hazardous substance site pursuant to this part, the commissioner may file a statement of the funds expended in the office of the register of deeds for the county(ies) in which the property lies, which statement shall perfect the lien on the property arising from the notice filed under subsection (a). The lien shall not exceed the lesser of (i) the actual amount expended at the site from the hazardous waste remedial action fund or (ii) the apportioned share of all costs expended (as determined pursuant to Tennessee Code Annotated, Section 68-212-207) of the owner of the property on the date of the filing of the notice provided for in subsection (a), after giving full credit for all expenditures by property owner(s). The lien shall be satisfied and discharged upon payment of the amount of such apportioned share.

On motion, Amendment No. 2 was adopted.

Senate Bill No. 876, as amended, passed third and final consideration by the following vote:

Ayes.	95
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Owenby, Peroulas Draper, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Valley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Joyce -- 1.

A motion to reconsider was tabled.

MOTION TO RECESS

On motion of Rep. Purcell, the House recessed until 1:00 p.m.

ENGROSSED BILLS

April 14, 1994

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2380.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 14, 1994

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 503; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 0503 -- Memorials, Professional Achievement -- Michael P. Ramirez, editorial cartoonist for The Commercial Appeal, Pulitzer Prize. by *Person.

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

MESSAGE FROM THE SENATE

April 14, 1994

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No. 560; amended, and concurred in by the Senate .

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 14, 1994

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 505; adopted, for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 505 -- General Assembly, Statement of Intent or Position -- Urges 1996 Bicentennial Commission to designate Washington College Academy as "Tennessee Bicentennial School". by *Crowe, *Henry, *Haynes, *Greer.

MESSAGE FROM THE SENATE

April 14, 1994

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 256; adopted, for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 256 -- General Assembly, Studies -- Continues for one year commission created by SJR No. 17 of 98th General Assembly to study adoption laws. by *Henry.

MESSAGE FROM THE SENATE

April 14, 1994

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1719; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 14, 1994

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2347; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 14, 1994

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2693; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Bill No. 2693 -- Fees -- Increases drug testing fee in the Tennessee Drug Control Act from \$20.00 to \$30.00. Amends TCA, Titles 8, 12, 29, 38, 40, 49, 53, 55, 57, 67, 70. by *Gilbert, *Haynes, *Kyle.

MESSAGE FROM THE SENATE
April 14, 1994

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 343; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

*Senate Bill No. 0343 -- Nurses, Nursing -- Increases nurse assistant's in-service training requirement from 10 to 12 hours per year. Amends TCA, Title 68, Ch. 11. by *Person.

MESSAGE FROM THE SENATE
April 14, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2549 and 2612; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

*Senate Bill No. 2549 -- Civil Procedure -- Authorizes assessment of \$50.00 civil penalty against person violating orders of protection or court approved consent agreements; creates domestic violence community education fund subject to certain restrictions and requirements. Amends TCA, Title 36, Ch. 3, Pt. 6. by *Burks.

Senate Bill No. 2612 -- Motor Vehicles -- Redefines "sale" to include brokerage under motor vehicle sales licensure law. Amends TCA, Title 55, Ch. 17. by *Koella, *Rice, *Cooper.

MESSAGE FROM THE SENATE
April 14, 1994

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 507; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 0507 -- General Assembly, Adjournment, Recess -- Recesses senate April 14, 1994 until 9:00

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

a.m., April 20, 1994; recesses house April 14, 1994 until 1:00 p.m. April 19, 1994. by *Crutchfield, *Atchley.

**ENGROSSED BILLS
April 14, 1994**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 192.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS
April 14, 1994**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1644.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED
April 14, 1994**

The Speaker signed the following: Senate Bill(s) No(s). 2859.

**MESSAGE FROM THE SENATE
April 14, 1994**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 529 and 545; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

RECESS EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

On motion of Rep. Purcell, the roll call was dispensed with.

CONSENT CALENDAR

The following resolutions were introduced and placed on the consent calendar, pursuant to Rule No. 17, as suspended.

House Resolution No. 0207 -- Memorials, Death -- John David McCarter. by *Boyer.

House Resolution No. 0208 -- Memorials, Personal Occasion -- J.C. and Vesta Robertson, 35th wedding anniversary. by *Williams Micheal.

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

House Resolution No. 0209 -- Memorials, Recognition and Thanks -- Jim and Lib McCluskey. by *Peroulas Draper, *Tindell, *Ritchie, *Bittle, *Boyer, *Severance, *Armstrong.

House Resolution No. 0210 -- Memorials, Interns -- Travis Randall McDonough. by *Rhinehart.

House Resolution No. 0211 -- Memorials, Interns -- Gretchen Sunshine Rogers. by *Westmoreland, *Venable.

House Resolution No. 0212 -- Memorials, Death -- Nancy Kenner Daily of Cleveland. by *McKee.

House Joint Resolution No. 0683 -- Memorials, Professional Achievement -- Charles Truman Ashby, 50 years of service to Farmers Bank of Lynchburg. by *Rigsby.

House Joint Resolution No. 0684 -- Memorials, Recognition and Thanks -- Northeast Tennessee Legislative Barbecue. by **Westmoreland, *Venable, *Ramsey, *Cole Ralph, *Whitson, *Allen.

House Joint Resolution No. 0685 -- Memorials, Personal Achievement -- Frederick E. Grim, II. *Bragg, *Liles.

House Joint Resolution No. 0686 -- Memorials, Personal Achievement -- Gregory Grim, Eagle Scout. *Bragg, *Liles.

House Joint Resolution No. 0687 -- Memorials, Interns -- Josh Adam McCreary. by *Stamps, *Halteman Harwell.

House Joint Resolution No. 0688 -- Memorials, Academic Achievement -- Christie Dawn Hedge, Franklin W. King, Andrea Atwood, Malinda O'Reilly, Toby Andrew Hampton, Nancy Crider, Melissa Gurley, Tera Nicole Cobb, Dan Kreuter and Olivia Beames, Valedictorians and Salutatorians. by *Herron.

The following resolutions were placed on the consent calendar, pursuant to Rule No. 17, as suspended.

Senate Joint Resolution No. 0503 -- Memorials, Professional Achievement -- Michael P. Ramirez, editorial cartoonist for The Commercial Appeal, Pulitzer Prize.

The following local bills were placed on the consent calendar, without objection.

House Bill No. 2868 -- Algood -- Changes date of election from June to November; extends term of mayor and council to November 1996 for mayor and two councilmen elected in June 1991, and to November 1998 for two councilmen elected in June 1993; requires popular approval. Amends Chapter 96, Private Acts of 1977.

On motion, House Bill No. 2868 was made to conform with Senate

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

Bill No. 2847; the Senate Bill was substituted for the House Bill.

House Bill No. 2869 -- Baxter -- Establishes regular August election beginning in August 1996 as regular city election date; creates four year terms for city officials. Amends Chapter 35, Private Acts of 1915, as amended.

On motion, House Bill No. 2869 was made to conform with **Senate Bill No. 2849;** the Senate Bill was substituted for the House Bill.

House Bill No. 2870 -- Algood -- Changes name of Board of Mayor and Aldermen to Mayor and Council. Amends Chapter 69, Private Acts of 1977.

On motion, House Bill No. 2870 was made to conform with **Senate Bill No. 2848;** the Senate Bill was substituted for the House Bill.

House Bill No. 2910 -- Rutherford County -- Permits borrow pits to be used for construction purposes; prohibits material from borrow pit to be used for supplying rock-crushing or processing plant, asphalt producing plant or ready mixed concrete plant.

House Bill No. 2912 -- Athens -- Revises charter. Amends Chapter 455, Private Acts of 1953, as amended.

House Bill No. 2913 -- Greene County -- Transfers juvenile court clerk duties from county clerk to general sessions court clerk.

House Bill No. 2914 -- Greene County -- Repeals local specification of probate jurisdiction. Repeals Chapter 324, Private Acts of 1982.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley,

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

REGULAR CALENDAR, CONTINUED

***House Joint Resolution No. 0561 -- Highway Signs -- "Ed Blevins Memorial Bridge".**

Rep. Ramsey moved that House Joint Resolution No. 561 be adopted.

Rep. Robinson moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Joint Resolution No. 561 by deleting the last resolving clause of the printed resolution.

On motion, Amendment No. 1 was adopted.

Rep. Ramsey moved that House Joint Resolution No. 561, as amended, be adopted, which motion prevailed by the following vote:

Ayes.	93
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hillis, Huskey, Jackson, Johnson, Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

***House Joint Resolution No. 0562 -- Highway Signs -- "Sam M. Feathers Memorial Bridge," Sullivan County.**

Rep. Ramsey moved that House Joint Resolution No. 562 be adopted.

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

Rep. Robinson moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Joint Resolution No. 562 by deleting the next-to-the-last resolving clause of the printed resolution.

On motion, Amendment No. 1 was adopted.

Rep. Ramsey moved that House Joint Resolution No. 562, as amended, be adopted, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

Senate Bill No. 1357 -- District Attorneys -- Creates new criminal investigator position in office of district attorney general for third judicial district, effective July 1, 1993. Amends TCA 16-2-506.

Further consideration of Senate Bill No. 1357, previously considered on February 23, 1994, at which time it was substituted for House Bill No. 1039, Amendment No. 1 was withdrawn; Amendment No. 2 was adopted, and it was reset to the Calendars for March 9, March 30, and April 14, 1994.

Rep. Givens moved that Senate Bill No. 1357 be reset to the Calendar for Tuesday, April 19, 1994, which motion prevailed.

House Bill No. 2247 -- Firearms and Ammunition -- Prohibits sale of confiscated weapons by law enforcement agencies. Amends TCA 39-17-1317, 1318.

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

Further consideration of House Bill No. 2247, previously considered on March 3 and 17 and April 7, 1994, at which time it was reset to the Calendar for April 14, 1994.

Rep. Kisber requested that House Bill No. 2247 be moved to the heel of the Calendar.

Senate Bill No. 1495 -- Local Government, General -- Deletes exemption for parcels of property where owner-occupied residence is located, permitting county to remedy dangerous conditions, including overgrown vegetation, trash and vacant dilapidated buildings. Amends TCA 5-1-115.

Further consideration of Senate Bill No. 1495, previously considered on March 14, 1994, at which time it was substituted for the House Bill, Amendment No. 1 was withdrawn, and it was reset to the Calendars for March 31, April 7, and April 14, 1994.

Rep. Kisber moved that **Senate Bill No. 1495** be passed on third and final consideration.

Rep. Kisber moved to adopt Amendment No. 2 as follows:

Amendment No. 2

Amend Senate Bill No. 1495 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall only apply in counties having a population of not less than 77,800 nor more than 78,000 according to the 1990 federal census or any subsequent federal census.

On motion, Amendment No. 2 was adopted.

Rep. Kisber moved to adopt Amendment No. 3 as follows:

Amendment No. 3

Amend Senate Bill No. 1495 by adding the following new section immediately preceding the effective date section and by renumbering the subsequent section accordingly:

Section _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, then all provisions and applications of this act are declared to be invalid and void.

On motion, Amendment No. 3 was adopted.

Rep. Kisber moved that **Senate Bill No. 1495**, as amended, be

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	0
Present and not voting	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones U (Shelby), Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: Joyce -- 1.

A motion to reconsider was tabled.

House Bill No. 1522 -- Insurance, Health, Accident -- Revises procedures for filing policies with commissioner of commerce and insurance. Amends TCA 56-26-102.

Further consideration of House Bill No. 1522, previously considered on March 24, 1993; January 26, February 16, March 24 and April 7, 1994, at which time it was reset to the Calendar for April 14, 1994.

On motion of Rep Rhinehart, **House Bill No. 1522** was withdrawn from the House.

House Bill No. 1072 -- Education -- Requires agreements between school board and professional employees' organization to include procedures for final, binding dispute arbitration. Amends TCA 49-5-612.

Further consideration of House Bill No. 1072, previously considered on May 5 and 10, 1993; February 2, March 16, 17, 24 and April 7, 1994, at which time it was reset to the Calendar for April 14, 1994.

Rep. Davidson moved that **House Bill No. 1072** be re-referred to the Calendar and Rules Committee, which motion prevailed.

House Bill No. 2451 -- Purchasing -- Specifies that certain

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

governmental purchasing programs for disadvantaged business enterprises include such enterprises owned by African Americans. Amends TCA, Titles 12, 49, 54.

Further consideration of House Bill No. 2451, previously considered on March 31 and April 7, 1994, at which time the motion was made to adopt Amendment No. 1, and it was reset to the Calendar for April 14, 1994.

Rep. Brooks moved to adopt Amendment No. 1, previously filed, which motion prevailed.

Rep. Brooks moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Brooks moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Brooks moved to adopt Amendment No. 4 as follows:

Amendment No. 4

Amend House Bill No. 2451 by inserting the following as a new, appropriately numbered section immediately preceding the final section and by renumbering the final section accordingly:

Section _____. Tennessee Code Annotated, Section 12-3-808(a), is amended by designating the existing language as subdivision (a)(1) and by adding the following new language as subdivision (a)(2):

In annually reporting the information on minority owned businesses, based upon information provided by vendors, the commissioner shall, in a separate section of the report, indicate the number of businesses solicited within each of the three (3) subcategories enumerated within Section 12-3-802(3), shall indicate the number of bids received from each of the three (3) subcategories enumerated within Section 12-3-802(3), and shall indicate the total number and dollar amount of all purchases awarded within each of the three (3) subcategories enumerated within Section 12-3-802(3). For purposes of evaluation, such section of the report shall also indicate the total number and dollar amount of all purchases by the procurement, systems, and records management division and all state agencies during the reporting period. The reporting period for the purposes of this subdivision shall begin July 1, 1994.

On motion, Amendment No. 4 was adopted.

Rep. Brooks moved that **Senate Bill No. 2451**, as amended, be passed on third and final consideration.

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

Rep. Purcell moved the previous question, which motion prevailed.

Rep. Brooks moved that **House Bill No. 2451**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	88
Noes.	4
Present and not voting.	3

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Halteman, Harwell, Hargrove, Haun, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Stamps, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Mr. Speaker Naifeh -- 88.

Representatives voting no were: Hassell, Shirley, Stockburger, Wood -- 4.

Representatives present and not voting were: Haley, Joyce, Severance -- 3.

A motion to reconsider was tabled.

CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from present not voting to no on **House Bill No. 2451** and have this statement entered in the Journal: Rep(s). Joyce.

REGULAR CALENDAR, CONTINUED

House Bill No. 2412 -- Civil Procedure -- Authorizes assessment of \$50.00 civil penalty against person violating orders of protection or court approved consent agreements; creates domestic violence community education fund subject to certain restrictions and requirements. Amends TCA, Title 36, Ch. 3, Pt. 6.

Further consideration of **House Bill No. 2412**, previously considered on April 11, 1994, at which time Amendments 1 and 2 were withdrawn, Amendment 3 was adopted, and it was reset to the Calendar for April 14, 1994.

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

On motion, House Bill No. 2412 was made to conform with **Senate Bill No. 2549**; the Senate Bill was substituted for the House Bill.

Rep. Odom moved that **Senate Bill No. 2549** be passed on third and final consideration.

On motion, Rep. Herron withdrew Judiciary Committee Amendment No. 1.

Rep. Odom moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Odom moved that **Senate Bill No. 2549** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Wingham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

***House Bill No. 2153 -- Criminal Offenses -- Adopts Wiretapping and Electronic Surveillance Act of 1993; removes as criminal or prohibited act to knowingly "tap" current or line, cable or other feature of utility company. Amends TCA, Titles 20, 24, 39, 40, 65.**

Further consideration of House Bill No. 2153, previously considered on April 11, 1994, at which time Amendments Nos. 1 and 2 were withdrawn; Amendment No. 3 was adopted, and it was reset to the Calendar for April 14, 1994.

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

Rep. Herron moved that House Bill No. 2153, as amended, be passed on third and final consideration.

Rep. Duer moved to adopt Amendment No. 4 as follows:

Amendment No. 4

Amend House Bill No. 2153 by deleting subsection (2)(a) of Section 4 of Amendment No. 2 in its entirety.

On motion, Amendment No. 4 was adopted.

Rep. Hargrove moved to adopt Amendment No. 5 as follows:

Amendment No. 5

Amend House Bill No. 2153 by deleting SECTION 12 in its entirety and by renumbering subsequent sections accordingly.

On motion, Amendment No. 5 was adopted.

Rep. Jackson moved to adopt Amendment No. 6 as follows:

Amendment No. 6

Amend House Bill No. 2153 by deleting subsection (4) of Section 7 of House Judiciary Committee Amendment No. 1 and substituting instead the following:

(4) Nothing in this act shall be construed as permitting the interception of a wire, oral or electronic communication that is made privileged by law unless the judge issuing the order for such interception finds probable cause to believe that all parties to the privileged communication are criminally responsible for the commission of a homicide offense or conspiracy to commit a homicide offense.

On motion, Amendment No. 6 was adopted, with Rep. Turner (Hamilton) requesting to be voted no.

Rep. Herron moved that House Bill No. 2153, as amended, be reset to the Calendar for Tuesday, April 19, 1994, which motion prevailed.

House Bill No. 2463 -- Utilities, Utility Districts -- Requires, after January 1, 1995, all vacancies occurring on board of any utility district be filled by vote of district's customers, such election to be conducted in accordance with uniform notification, nomination and election procedures. Amends TCA, Titles 7, 65.

Rep. Hargrove moved that House Bill No. 2463 be passed on third and final consideration.

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

Rep. Byrd moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2463 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Neither the state fire marshal nor any inspector who contracts with the state may disconnect or terminate the electrical services at any residential customer's residence until the following have been completed:

(a) An inspection has been made of the premises which reveals that continued electrical services pose a substantial and immediate threat of harm to person or property, and the harm cannot be avoided by less drastic means other than disconnecting the service; and

(b) Reasonable attempts have been made to contact the customer or owner of the premises prior to disconnecting any services; and

(c) The person performing the inspection makes an examination of the premises to determine that there are no individuals using any medical devices which require electrical services, and if so reasonable accommodations are made to continue said electric service to medical devices following any termination; and

(d) The person performing the inspection makes an examination of the premises to conclude that termination of the electrical services will not damage any property of the residential customer without first making arrangements to secure the prevention of said damages.

SECTION 2. The provisions of this act shall supersede any provision of law presently enacted which conflicts with the provisions herein.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Hargrove moved to adopt Amendment No. 2 as follows:

Amendment No. 2

Amend House Bill No. 2463 by adding at the end of Section 1, as amended, the following new subsection:

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

() The provisions of this section shall not apply to the personnel of any municipal electric system or any rural electric and community services cooperative.

On motion, Amendment No. 2 was adopted.

Rep. Hargrove moved that **House Bill No. 2463**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	93
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Owenby, Peroulas Draper, Phelan, Phillips, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Windle -- 1.

A motion to reconsider was tabled.

House Bill No. 2613 -- Sexual Offenses -- Enacts "The Rape Victims' Rights Act of 1994". Amends TCA, Title 39, Ch. 13.

Rep. Hargrove moved that House Bill No. 2613 be passed on third and final consideration.

Rep. Herron moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2613 by adding the following as a new section to precede the effective date section:

Section _____. The provisions of this act shall be null and void unless the General Appropriations Act provides an appropriation for the estimated operation cost of this act pursuant to Tennessee Code Annotated, Section 9-6-119. The Tennessee Code Commission is directed not to codify this section of this bill.

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

On motion, Amendment No. 1 was adopted.

Rep. Herron moved adoption of Judiciary Committee Amendment No. 2 as follows:

Amendment No. 2

Amend House Bill No. 2613 by adding the following as a new section to precede the effective date section:

Section _____. The provisions of this act shall be null and void unless the General Appropriations Act provides an appropriation for the estimated operating cost of this act pursuant to Tennessee Code Annotated, Section 9-6-119.

Rep. Herron withdrew his motion to adopt Amendment No. 2 and withdrew Amendment No. 2.

Rep. Herron moved adoption of Judiciary Committee Amendment No. 3 as follows:

Amendment No. 3

Amend House Bill No. 2613 by deleting subsection (d)(1) of the amendatory language of SECTION 2 and substituting instead the following:

(d)(1) The court may consider as an enhancement factor at the time of sentencing that the defendant has tested positive for HIV.

On motion, Amendment No. 3 was adopted.

Rep. Herron moved adoption of Judiciary Committee Amendment No. 4 as follows:

Amendment No. 4

Amend House Bill No. 2613 by adding the following new appropriately designated item to subsection (b)(2) of the amendatory language of SECTION 2:

() The district attorney general prosecuting the case;

On motion, Amendment No. 4 was adopted.

Rep. Hargrove moved that House Bill No. 2613, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

Ayes.	98
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 2661 -- Hotels and Restaurants -- Requires commissioner of health to promulgate rules establishing rights of innkeeper to refuse or deny accommodations to certain persons. Amends TCA, Title 68, Ch. 14.

Rep. West moved that House Bill No. 2661 be reset to the Calendar for Wednesday, April 20, 1994, which motion prevailed.

House Bill No. 2064 -- Administrative Procedure -- Revises certain provisions relative to appeals of contested case hearings. Amends TCA, Title 4, Ch. 5, Pt. 3.

Madam Speaker DeBerry moved House Bill No. 2064 down 3 places on the Calendar.

***House Bill No. 2459 -- Fees --** Increases drug testing fee in the Tennessee Drug Control Act from \$20.00 to \$30.00. Amends TCA, Titles 8, 12, 29, 38, 40, 49, 53, 55, 57, 67, 70.

Madam Speaker DeBerry moved House Bill No. 2459 down 2 places on the Calendar.

House Bill No. 2117 -- Medical Occupations -- Revises certification requirements for certain EMS personnel licensed in another state but working in Tennessee; revises requirements for emergency medical services based outside state but providing services in Tennessee. Amends TCA, Title 68, Ch. 140, Pt. 5.

Rep. Ramsey moved that House Bill No. 2117 be passed on third and final consideration.

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2117 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-140-506, is amended by inserting the following language as a new subsection immediately following subsection (a) and by redesignating subsequent subsections accordingly:

() When an employee/member of a not-for-profit service licensed in another state, which at the request of a county or municipal government regularly operates in Tennessee, is certified as a class of emergency medical provider that has no equivalent in Tennessee, that person shall be allowed to practice at his or her level of certification in such other state when acting in Tennessee as a employee/member of that service.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Ramsey moved that House Bill No. 2117, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	3
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Phelan, Rinks, Venable -- 3.

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

Representatives present and not voting were: Tindell -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from no to yes on House Bill No. 2117 and have this statement entered in the Journal: Rep(s). Rinks, Phelan and Venable.

REGULAR CALENDAR, CONTINUED

House Bill No. 2465 -- Public Defenders -- Creates one additional criminal investigator position and one reader for visually impaired attorney position for 11th judicial district. Amends TCA 8-14-202.

On motion, House Bill No. 2465 was made to conform with **Senate Bill No. 2072**; the Senate Bill was substituted for the House Bill.

Rep. Brown moved that **Senate Bill No. 2072** be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Brown moved that **Senate Bill No. 2072** be passed on third and final consideration.

Rep. Head moved that Senate Bill No. 2072 be reset to the last Calendar of 1994, which motion prevailed.

House Bill No. 2064 -- Administrative Procedure -- Revises certain provisions relative to appeals of contested case hearings. Amends TCA, Title 4, Ch. 5, Pt. 3.

Further consideration of House Bill No. 2064, previously considered on today's Calendar.

Rep. Kernell moved that **House Bill No. 2064** be passed on third and final consideration.

Madam Speaker DeBerry moved Senate Bill No. 2064 down 2 places on the Calendar.

***House Bill No. 2459 -- Fees --** Increases drug testing fee in the Tennessee Drug Control Act from \$20.00 to \$30.00. Amends TCA, Titles 8, 12, 29, 38, 40, 49, 53, 55, 57, 67, 70.

Madam Speaker DeBerry moved House Bill No. 2459 down 2 places on the Calendar.

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

House Bill No. 2299 -- Osteopathy -- Revises scope of practice of osteopathic medicine to conform with definition recognized by American Osteopathic Medical Association; conforms language in TCA to eliminate references to osteopath to currently recognized usage. Amends TCA, Titles 33, 34, 37, 63, 63-9-106.

Rep. Knight moved that Senate Bill No. 2299 be reset to the Calendar for Tuesday, April 19, 1994, which motion prevailed.

House Bill No. 2064 -- Administrative Procedure -- Revises certain provisions relative to appeals of contested case hearings. Amends TCA, Title 4, Ch. 5, Pt. 3.

Further consideration of House Bill No. 2064, previously considered on today's Calendar.

Madam Speaker DeBerry moved that House Bill No. 2064 to the heel of the Calendar.

***House Bill No. 2485 -- Handicapped Persons --** Requires directors of community mental health centers to meet with school superintendents to formulate plan of services for severely emotionally disturbed students. Amends TCA, Titles 33, 37, 49.

Rep. Turner (Hamilton) moved that House Bill No. 2485 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2485 by deleting all sections of the printed bill and substituting the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 1, Part 2, is amended by adding the following new section:

Section 49-1-213. Within available resources, the department may provide technical assistance (TA) to local education agencies through the implementation of a trainer of trainers model. Each local education agency may identify their own technical assistance persons from general and special education to serve local schools, technical assistance persons would serve as trainers to the district's local technical assistance persons. Local technical assistance persons may then provide hands-on consultation in the classrooms and school in-services related to the needs of children having behavioral/emotional disorders.

SECTION 2. Tennessee Code Annotated, Section

49-2-115, is amended by adding the following new subsection:

(e) Family resource centers shall provide interagency services/resources information on issues such as parent training, crisis intervention, respite care, and counseling needs for families of children with behavioral/emotional disorder.

Family resource centers shall serve the function of being the center of information sharing and resource facilitation for such families.

Family resource centers shall also serve the function of helping families answer questions regarding funding for the options of service their child and/or family requires.

SECTION 3. Tennessee Code Annotated, Section 49-6-3004(c)(1), is amended by adding the following sentence at the end of the subdivision:

The commissioner shall also encourage the use of two (2) of the in-service training days to provide training to teachers, principals, and other school personnel, and, to the extent possible, school board members, on issues of prevention and intervention strategies for students in the area of behavioral/emotional disorders.

SECTION 4. Tennessee Code Annotated, Title 49, Chapter 6, is amended by adding the following new section:

Section 49-6-6101. The state department of education, and the state department of mental health and mental retardation shall take the following actions to improve and coordinate services for behavioral/emotionally disordered children. Any policy change required as a result of these actions will be presented to the state board of education for review and approval:

(1) delineation of each state and local agency's responsibilities;

(2) development of joint agency planning and training, especially between Tennessee's state and local agencies of Mental Health, Mental Retardation and Education;

(3) development of a systematic process for securing funding for a continuum of related service options;

(4) development of a definition of the target population;

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

(5) development of ongoing needs assessment process that addresses:

(A) the complex and diverse needs of the children and their families; and

(B) the resources of schools, mental health/mental retardation providers, and public/private agencies;

(6) prepare an inventory of a continuum of existing services and options, known private or public agencies, and families;

(7) development of an interagency agreement on the principles to be included in a plan of care as they relate to intervention and/or treatment goals. The plan of care shall have:

(A) child involvement if developmentally appropriate;

(B) measurable outcomes;

(C) identification of agency or agencies that shall monitor the plan of care;

(D) family involvement;

(E) sensitivity to unique cultural needs;

(8) development of interagency training plan in the area of truancy prevention.

SECTION 5. Tennessee Code Annotated, Title 49, Chapter 5, Part 56, is amended by adding the following new section:

Section 49-5-5608. All teacher training institutions are encouraged to offer, and encourage all students to take, a course specifically designed for prevention and intervention strategies in behavioral/emotional disorders. This course should include information from the fields of psychology and education.

SECTION 6. Tennessee Code Annotated, Section 49-5-5702, is amended by adding the following new subsection:

(e) The academy shall also offer training to educators on the various needs of children with behavioral and emotional disorders as they relate to discipline policies and procedures.

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

SECTION 7. This act shall take effect July 1, 1994, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Turner (Hamilton) requested that House Bill No. 2485 be moved down 2 places on the Calendar.

***House Bill No. 2459 -- Fees --** Increases drug testing fee in the Tennessee Drug Control Act from \$20.00 to \$30.00. Amends TCA, Titles 8, 12, 29, 38, 40, 49, 53, 55, 57, 67, 70.

On motion, House Bill No. 2459 was made to conform with **Senate Bill No. 2693**; the Senate Bill was substituted for the House Bill.

Rep. Buck moved that **Senate Bill No. 2693** be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

Amendment No. 2

Amend Senate Bill No. 2693 by inserting the following between the second and third sentences of subsection (b) of Section 40-33-204 of the amendatory language of SECTION 1 of House Judiciary Committee Amendment No. 1:

The hearing on the application for a forfeiture warrant shall be ex parte.

AND FURTHER AMEND by deleting the first sentence of subsection (a) of Section 40-33-208 of the amendatory language of SECTION 1 of House Judiciary Committee Amendment No. 1 and substituting instead the following:

Pending any proceeding to forfeit seized property, any owner or co-owner may, and any secured party shall, unless a warrant for the forfeiture of the secured party's interest is issued or unless the seizing agency objects, obtain immediate possession of the property by submitting to the jurisdiction of the applicable agency and executing, with one (1) or more sureties approved by the applicable agency, a bond in favor of the state of Tennessee in the amount provided by this section. If the seizing agency objects, a secured party, owner or co-owner may not obtain possession of such property pursuant to this section until five (5) days after the date such property is seized.

AND FURTHER AMEND by designating the existing language of

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

subsection (c) of Section 40-33-204 of the amendatory language of SECTION 1 of House Judiciary Committee Amendment No. 1 as subsection (c)(1) and by adding the following new subsection (c)(2):

(2) If the seizing officer asserts to the judge that such officer was unable to determine the owner of the seized property or whether the owner's interest is subject to forfeiture within the required five (5) day period, the judge may grant up to five (5) additional days to seek a forfeiture warrant if the judge finds that the seizing officer has:

(A) Exercised due diligence and good faith in attempting to determine the owner of the property or whether the owner's interest is subject to forfeiture; and

(B) Made a factual showing that because of the existence of extraordinary and unusual circumstances an exception to the five (5) day forfeiture warrant requirement is justified.

On motion, Amendment No. 2 was adopted.

Rep. Buck moved to adopt Judiciary Amendment No. 1 to No. 1 as House Amendment No. 3 as follows:

Amendment No. 3

Amend Senate Bill No. 2693 by deleting the second sentence of subsection (a) of Section 40-33-213 of the amendatory language of SECTION 1 of House Judiciary Committee Amendment No. 1 and substituting instead the following:

The reviewing court shall use the preponderance of evidence standard in determining whether to sustain or reverse the final order of the applicable agency.

AND FURTHER AMEND by deleting subsection (b) of Section 40-33-213 of the amendatory language of SECTION 1 of House Judiciary Committee Amendment No. 1 and substituting instead the following:

(b) Except as otherwise provided in this section, an appeal under this part shall be conducted in the same manner as is provided in Tennessee Code Annotated, Section 4-5-322, for a contested case hearing under the Uniform Administrative Procedures Act.

AND FURTHER AMEND by deleting subsection (c) of Section 40-33-213 of the amendatory language of SECTION 1 of House Judiciary Committee Amendment No. 1 and substituting instead the following:

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

(c) A notice of review may, at the election of the aggrieved party, be filed in the circuit court or chancery court of Davidson County.

On motion, Amendment No. 3 was adopted.

Rep. Buck moved that Judiciary Committee Amendment No. 2 to No. 2 as House Amendment No. 4, be withdrawn, which motion prevailed.

Rep. Buck moved to adopt Amendment No. 5 as follows:

Amendment No. 5

Amend Senate Bill No. 693 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 29-11-105 is amended by deleting from subsection (b) the language "not to sue" and substituting instead the language "not to sue or not to enforce judgment".

On motion, Amendment No. 5 was adopted.

Madam Speaker DeBerry moved Senate Bill No. 2693 down 3 places on the Calendar.

House Bill No. 2116 -- Education -- Provides that legislative intent in education of handicapped children is to meet needs of children but no longer to maximize their capabilities. Amends TCA 49-10-101.

Rep. Haley moved that Senate Bill No. 2116 be reset to the Calendar for Wednesday, April 20, 1994, which motion prevailed.

***House Bill No. 2485 -- Handicapped Persons --** Requires directors of community mental health centers to meet with school superintendents to formulate plan of services for severely emotionally disturbed students. Amends TCA, Titles 33, 37, 49.

Further consideration of House Bill No. 2485, previously considered on today's Calendar.

Rep. Turner (Hamilton) moved that **Senate Bill No. 2485**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong,

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

Senate Bill No. 2693 -- Fees -- Increases drug testing fee in the Tennessee Drug Control Act from \$20.00 to \$30.00. Amends TCA, Titles 8, 12, 29, 38, 40, 49, 53, 55, 57, 67, 70.

Further consideration of Senate Bill No. 2693, previously considered on today's Calendar.

Madam Speaker DeBerry moved Senate Bill No. 2693 to the heel of the Calendar.

House Bill No. 2521 -- Gambling -- Exempts from criminal offense ownership or possession of lottery ticket originating from state in which lottery is lawful, if ticket not owned or possessed for purpose of resale. Amends TCA 38-17-506, 39-17-505.

On motion, House Bill No. 2521 was made to conform with **Senate Bill No. 2524**; the Senate Bill was substituted for the House Bill.

Rep. Armstrong moved that **Senate Bill No. 2524** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	0

Representatives voting aye were: Allen, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Peroulas Draper, Phelan, Phillips, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

(Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to yes on Senate Bill No. 2524 and have this statement entered in the Journal: Rep(s). Rigsby

REGULAR CALENDAR, CONTINUED

House Bill No. 2791 -- Taxes, Real Property -- Revises qualifications of persons appointed to the assessment appeals commission. Amends TCA, Title 67, Ch. 5, Pt. 15.

Rep. U. Jones (Shelby) moved that House Bill No. 2791 be reset to the Calendar for Wednesday, April 20, 1994, which motion prevailed.

House Bill No. 2765 -- AIDS -- Allows district attorney general access to results of HIV test performed on person convicted of prostitution so that if person charged with prostitution, district attorney general can determine if such person may also be charged with aggravated prostitution. Amends TCA 39-13-521.

Rep. Armstrong moved that House Bill No. 2765 be passed on third and final consideration.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2765 by deleting the amendatory language of Section 1 in its entirety, and by substituting instead the following language:

For the sole purpose of determining whether there is probable cause to prosecute a person for aggravated prostitution under §39-13-516, the district attorney may view the record notwithstanding the provisions of subsection (a)(3). The district attorney shall be required to file a written, signed request with the court stating the reason the court should grant permission for the district attorney to view the record. If the test results indicate the defendant is infected with HIV, then the district attorney may use the results of the test in a prosecution for aggravated prostitution.

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

On motion, Amendment No. 1 was adopted.

Rep. Armstrong moved that **House Bill No. 2765**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 2471 -- Juvenile Offenders -- Enacts "Juvenile Offender Surcharge Act". Amends TCA, Titles 37, 40.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

Rep. R. Jones (Shelby) moved that **House Bill No. 2471** be passed on third and final consideration.

Rep. Thompson requested that House Bill No. 2471 be moved down 3 places on the Calendar.

***House Bill No. 2525** -- Motor Vehicles -- Redefines "sale" to include brokerage under motor vehicle sales licensure law. Amends TCA, Title 55, Ch. 17.

On motion, House Bill No. 2525 was made to conform with **Senate Bill No. 2612**; the Senate Bill was substituted for the House Bill.

Rep. Cole (Dyer) moved that **Senate Bill No. 2612** be passed on third and final consideration.

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 2612 by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-17-114(b), is amended by adding the following as a new, appropriately designated subsection:

() Whenever any licensee pleads guilty or is convicted of the offense of odometer tampering or any other criminal offense involving moral turpitude, the licensee must within sixty (60) days so notify the commission and must provide the commission with certified copies of the conviction. The licensee's license shall automatically be revoked sixty (60) days after such guilty plea or conviction unless, during such sixty (60) day period, the licensee makes a written request to the commission for a hearing. Following any such hearing, the commission in its discretion may impose upon the licensee any sanction permitted by this chapter.

SECTION 2. Tennessee Code Annotated, Section 55-17-102(2), is amended by deleting subitem (B).

SECTION 3. Tennessee Code Annotated, Title 55, Chapter 17, Part 1, is amended by adding the following as a new, appropriately designated section:

(a) On or before February 15th each year, each motor vehicle dealer shall submit to the commission an annual sales report indicating the number of motor vehicles sold by the dealer during the preceding calendar year, the number of dealer registration plates issued to the dealer during such year, and the county or counties in which such plates were issued. Notwithstanding the provisions of any other law to the contrary, if a motor vehicle dealer fails to timely submit the annual sales report, if a dealer engaged in business throughout such calendar year but sold fewer than twenty-four (24) motor vehicles during such year, or if a dealer engaged in business for only a portion of such calendar year but sold fewer than two (2) vehicles on average per month during such portion of such year, then there is a rebuttable presumption that the dealer is ineligible to receive, retain, or use dealer registration plates otherwise authorized by the provisions of Tennessee Code Annotated, Section 55-4-221. If pursuant to the provisions of this section, a dealer is no longer eligible to receive,

retain, or use dealer registration plates, then the commission is authorized to undertake appropriate action to take possession of any such plates issued to the dealer and shall promptly forward such plates to the department of safety.

(b) Upon request of the motor vehicle commission, the department of safety shall make available for the commission's inspection departmental information concerning the number of dealer registration plates issued to each dealer.

SECTION 4. Tennessee Code Annotated, Section 55-4-117(a)(2), is amended by deleting the words, figures, and symbols "one hundred (100) dealer plates" and by substituting instead the following:

one hundred twenty-five (125) dealer plates

SECTION 5. This act shall take effect on July 1, 1994, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Severance moved the previous question, which motion prevailed.

Rep. Cole (Dyer) moved that **Senate Bill No. 2612**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***Senate Joint Resolution No. 0350 -- Memorials, Government Officials -- Urges department of transportation to expedite studies**

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

relative to upgrading I-40/Robertson Road interchange, Davidson County.

Rep. Odom moved that **Senate Joint Resolution No. 350** be concurred in.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 1.

Rep. Odom moved that **Senate Joint Resolution No. 350** be concurred in, which motion prevailed.

A motion to reconsider was tabled.

***House Joint Resolution No. 0624 -- Highway Signs -- "William J. Peeler Road," segment of Pittle Warren Road, Humphreys County.**

Rep. Collier moved that House Joint Resolution No. 624 be adopted.

Rep. Robinson moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Joint Resolution No. 624 by deleting the second, third, and fourth resolving clauses of the printed resolution and substituting the following:

BE IT FURTHER RESOLVED, That the erection of any sign will not be the responsibility of the Tennessee Department of Transportation.

On motion, Amendment No. 1 was adopted.

Rep. Collier moved that House Joint Resolution No. 624, as amended, be adopted, which motion prevailed.

A motion to reconsider was tabled.

House Bill No. 2471 -- Juvenile Offenders -- Enacts "Juvenile Offender Surcharge Act". Amends TCA, Titles 37, 40.

Further consideration of House Bill No. 2471, previously considered on today's Calendar.

Rep. R. Jones requested that House Bill No. 2471 be moved down 5 places on the Calendar.

***House Joint Resolution No. 0427 -- Highway Signs -- Big South Fork Scenic Drive, segment of S.R. 52.**

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

Rep. Windle moved that House Joint Resolution No. 427 be adopted.

Rep. Robinson moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Joint Resolution No. 427 by inserting the following new resolving clause between the second and third resolving clauses of the printed bill:

BE IT FURTHER RESOLVED that the provisions of this resolution shall become operative only if the federal highway administrator advises the commissioner of transportation in writing that the provisions of this resolution do not render Tennessee in violation of federal laws and regulations and subject to penalties prescribed therein.

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved the previous question, which motion prevailed.

Rep. Windle moved that House Joint Resolution No. 427, as amended, be adopted, which motion prevailed.

A motion to reconsider was tabled.

***House Joint Resolution No. 0647 -- General Assembly, Studies --**
Creates special joint committee to study licensing of home inspection contractors.

Rep. Davis moved that House Joint Resolution No. 647 be adopted.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Joint Resolution No. 647 by deleting from the second resolving clause the language "one (1) member of the majority party and one (1) member of the minority party" wherever such language appears and by substituting instead the language "two (2) members".

On motion, Amendment No. 1 was adopted.

Rep. Davis moved that House Joint Resolution No. 647, as amended, be adopted, which motion prevailed.

A motion to reconsider was tabled.

***House Joint Resolution No. 0450 -- General Assembly, Studies --**

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

Creates special joint committee to study the representation of AfricanAmericans and other minorities on state boards and commissions.

Rep. Dixon moved that House Joint Resolution No. 450 be adopted.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Joint Resolution No. 450 by deleting the language "ten (10)" from the second resolving clause, and by substituting instead the language "six (6)".

AND FURTHER AMEND by placing a period after the language "to be appointed by the Speaker of the Senate" in the second resolving clause, and by deleting the remainder of the language from such clause.

AND FURTHER AMEND by deleting the fifth resolving clause in its entirety.

On motion, Amendment No. 1 was adopted.

Rep. Dixon moved that House Joint Resolution No. 450, as amended, be adopted, which motion prevailed.

A motion to reconsider was tabled.

***House Bill No. 2844 -- Contractors -- Exempts Sequatchie County** from the provisions of the Contractors Licensing Act of 1976. Amends TCA, Title 62, Ch. 6.

On motion, House Bill No. 2844 was made to conform with **Senate Bill No. 2853**; the Senate Bill was substituted for the House Bill.

Rep. Rhinehart moved that **Senate Bill No. 2853** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	68
Noes.	18
Present and not voting.	10

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Clark, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Hargrove, Haun, Head, Herron, Hillis, Huskey, Jackson, Kent, Kisber, Lewis, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Robinson, Severance, Stamps, Stulce, Thompson,

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

Tindell, Turner (Hamilton), Westmoreland, Whitson, Williams (Shelby), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 68.

Representatives voting no were: Allen, Arriola, Boyer, Chiles, Cole (Dyer), Gunnels, Haley, Halteman Harwell, Hassell, Johnson, Kernell, Liles, Pinion, Rinks, Shirley, Stockburger, Turner (Shelby), Williams (Union) -- 18.

Representatives present and not voting were: Chumney, DeBerry, Jones U (Shelby), Joyce, Knight, Pruitt, Ritchie, Venable, Walley, West -- 10.

A motion to reconsider was tabled.

House Bill No. 2827 -- Motor Vehicles, Titling and Registration -- Creates 1996 Olympic license plates. Amends TCA, Title 55, Ch. 4, Pt. 2.

Further consideration of House Bill No. 2827, previously considered on today's calendar.

Rep. Fisher moved that House Bill No. 2827 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 2471 -- Juvenile Offenders -- Enacts "Juvenile Offender Surcharge Act". Amends TCA, Titles 37, 40.

Further consideration of House Bill No. 2471, previously considered on today's Calendar.

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

Rep. R. Jones requested that House Bill No. 2471 be moved to the heel of the Calendar.

***House Joint Resolution No. 0592** -- General Assembly, Confirmation of Appointment -- Ernest Harper, State Racing Commission.

Further consideration of House Joint Resolution No. 592, previously considered on April 13, 1994, Consent Calendar, at which time it was reset to the Calendar for April 14, 1994.

Rep. Purcell moved that House Joint Resolution No. 592, be adopted, which motion prevailed, with Reps. Coffey, Stockburger, Walley and Williams (Union) requesting to be voted no.

A motion to reconsider was tabled.

***House Joint Resolution No. 0593** -- General Assembly, Confirmation of Appointment -- Jimmy Lou Rye, State Racing Commission.

Further consideration of House Joint Resolution No. 593, previously considered on April 13, 1994, Consent Calendar, at which time it was reset to the Calendar for April 14, 1994.

Rep. Purcell moved that House Joint Resolution No. 593 be adopted, which motion prevailed, with Reps. Coffey, Stockburger, Walley and Williams (Union) requesting to be voted no.

A motion to reconsider was tabled.

***House Joint Resolution No. 0594** -- General Assembly, Confirmation of Appointment -- Hal F. Lewis, State Racing Commission.

Further consideration of House Joint Resolution No. 594, previously considered on April 13, 1994, Consent Calendar, at which time it was reset to the Calendar for April 14, 1994.

Rep. Purcell moved that House Joint Resolution No. 594 be adopted, which motion prevailed, with Reps. Coffey, Stockburger, Walley and Williams (Union) requesting to be voted no.

A motion to reconsider was tabled.

***House Joint Resolution No. 0595** -- General Assembly, Confirmation of Appointment -- Sam Harrison, State Racing Commission.

Further consideration of House Joint Resolution No. 595, previously considered on April 13, 1994, Consent Calendar, at which time it was reset to the Calendar for April 14, 1994.

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

Rep. Purcell moved that **House Joint Resolution No. 595** be adopted, which motion prevailed, with Reps. Coffey, Stockburger, Walley and Williams (Union) requesting to be voted no.

A motion to reconsider was tabled.

***House Joint Resolution No. 0596** -- General Assembly, Confirmation of Appointment -- Kenny W. Armstrong, State Racing Commission.

Further consideration of **House Joint Resolution No. 596**, previously considered on April 13, 1994, Consent Calendar, at which time it was reset to the Calendar for April 14, 1994.

Rep. Purcell moved that **House Joint Resolution No. 596** be adopted, which motion prevailed, with Reps. Coffey, Stockburger, Walley and Williams (Union) requesting to be voted no.

A motion to reconsider was tabled.

House Bill No. 1398 -- Courts -- Creates Missouri Plan system for supreme court justices and state trial court judges. Amends TCA 4-29-216; Title 16, Ch. 2, Pt. 5; Title 17, Ch. 4.

Rep. Buck moved that **House Joint Resolution No. 1398** be reset to the Calendar for Tuesday, April 19, 1994, which motion prevailed.

House Bill No. 2247 -- Firearms and Ammunition -- Prohibits sale of confiscated weapons by law enforcement agencies. Amends TCA 39-17-1317, 1318.

Further consideration of **House Bill No. 2247**, previously considered on today's Calendar.

Rep. Kisber moved that **House Bill No. 2247** be re-referred to the Calendar and Rules Committee, which motion prevailed.

House Bill No. 2064 -- Administrative Procedure -- Revises certain provisions relative to appeals of contested case hearings. Amends TCA, Title 4, Ch. 5, Pt. 3.

Further consideration of **House Bill No. 2064**, previously considered on today's Calendar.

Rep. Kernell moved that **House Bill No. 2064** be reset to the Calendar for Tuesday, April 19, 1994, which motion prevailed.

Senate Bill No. 2693 -- Fees -- Increases drug testing fee in the Tennessee Drug Control Act from \$20.00 to \$30.00. Amends TCA, Titles 8, 12, 29, 38, 40, 49, 53, 55, 57, 67, 70.

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

Further consideration of Senate Bill No. 2693, previously considered on today's Calendar.

Rep. Buck moved that **Senate Bill No. 2693** be passed on third and final consideration.

Rep. Buck moved the House reconsider its action in adopting Amendment No. 2. On motion, Amendment No. 2 was withdrawn.

Rep. Buck moved to adopt Amendment No. 6 as follows:

Amendment No. 6

Amend Senate Bill No. 2693 by inserting the following between the second and third sentences of subsection (b) of Section 40-33-204 of the amendatory language of SECTION 1 of House Judiciary Committee Amendment No. 1:

The hearing on the application for a forfeiture warrant shall be ex parte.

AND FURTHER AMEND by deleting the first sentence of subsection (a) of Section 40-33-208 of the amendatory language of SECTION 1 of House Judiciary Committee Amendment No. 1 and substituting instead the following:

Pending any proceeding to forfeit seized property, any owner or co-owner may, and any secured party shall, unless a warrant for the forfeiture of the secured party's interest is issued or unless the seizing agency objects, obtain immediate possession of the property by submitting to the jurisdiction of the applicable agency and executing, with one (1) or more sureties approved by the applicable agency, a bond in favor of the state of Tennessee in the amount provided by this section. If the seizing agency objects, a secured party, owner or co-owner may not obtain possession of such property pursuant to this section until five (5) days after the date such property is seized.

AND FURTHER AMEND by designating the existing language of subsection (c) of Section 40-33-204 of the amendatory language of SECTION 1 of House Judiciary Committee Amendment No. 1 as subsection (c)(1) and by adding the following new subsection (c)(2):

(2) If the seizing officer asserts to the judge that such officer was unable to determine the owner of the seized property or whether the owner's interest is subject to forfeiture within the required five (5) day period, the judge may grant up to ten (10) additional days to seek a forfeiture warrant if the judge finds that the seizing officer has:

(A) Exercised due diligence and good faith in attempting to determine the owner of the property or

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

whether the owner's interest is subject to forfeiture;
and

(B) Made a factual showing that because of the existence of extraordinary and unusual circumstances an exception to the five (5) day forfeiture warrant requirement is justified.

On motion, Amendment No. 6 was adopted.

Rep. Buck moved that **Senate Bill No. 2693** be passed on third and final consideration.

Rep. Severance moved the previous question, which motion prevailed.

Rep. Buck moved that Senate Bill No 2693, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	1
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kiser, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

Representatives voting no were: Turner (Hamilton) -- 1.

Representatives present and not voting were: DeBerry -- 1.

A motion to reconsider was tabled.

House Bill No. 2471 -- Juvenile Offenders -- Enacts "Juvenile Offender Surcharge Act". Amends TCA, Titles 37, 40.

Further consideration of House Bill No. 2471, previously considered on today's Calendar.

Rep. R. Jones requested that House Bill No. 2471 be moved to the heel of the Message Calendar.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 0691 -- Criminal Procedure -- Requires judge to include in jury instructions approximate calculation of minimum number of years person must serve before earliest release eligibility date; calculation to include release eligibility percentage, sentence reduction credits and governor's emergency release powers. Amends TCA 40-35-201.

Senate Amendment No. 2

Amend House Bill No. 691: change effective date in sect. 3 to read:

This act shall take effect on July 1, 1994, the public welfare requiring it etc.

Senate Amendment No. 6

Amend House Bill No. 691 by deleting from the beginning of the first sentence of item (2) of the amendatory language of SECTION 1 the word "The" and substituting instead the words "When a charge as to possible penalties has been requested pursuant to subsection (b)(1) of this section, the".

Rep. Fisher moved that the House concur in Senate Amendment(s) No(s). 2 and 6 to **House Bill No. 691**, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 1681** -- Courts, Juvenile -- Provides that once juvenile is transferred to criminal court for trial as adult, juvenile court loses jurisdiction over juvenile as to all pending or subsequent delinquent acts or criminal charges against juvenile. Amends TCA 37-1-134.

Rep. Purcell moved that the House refuse to recede from its action in adopting Amendment(s) No(s). 1 to Senate Bill No. 1681.

Rep. Purcell moved that Senate Bill No. 1681 be reset to the Calendar for Tuesday, April 19, 1994, which motion prevailed.

HOUSE ACTION ON SENATE MESSAGE

***House Bill No. 1704** -- Civil Procedure -- Prohibits recovery of damages for loss of a child by non-supporting parent; redefines parent-child relationship for purpose of intestate succession to exclude non-supporting parent. Amends TCA, Title 20, Ch. 5, Pt. 1; Title 31, Ch. 2, Pt. 1.

Rep. Givens moved that House Bill No. 1704 be reset to the Calendar for Tuesday, April 19, 1994, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2174 -- Taxes, Sales -- Makes conversion of sole proprietorship into corporation a non-taxable event with no sales tax liability on the transfer of tangible personal property involved with conversion. Amends TCA, Title 67, Ch. 6, Pt. 2.

Senate Amendment No. 1

Amend House Bill No. 2174 by deleting the amendatory language of Section 1 of the bill and substituting instead the following:

SECTION __. The tax imposed by this chapter shall not apply to the transfer of tangible personal property by a sole proprietor to an individually-held corporation pursuant to the incorporation of such sole proprietorship.

Rep. McDaniel moved that the House nonconcur in Senate Amendment(s) No(s). 1 to House Bill No. 2174, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2558 -- Bonding, Surety and Professional -- Makes it Class A misdemeanor to give false statement to obtain surety bond. Amends TCA, Title 39, Ch. 14, Pt. 1.

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

Senate Amendment No. 1

Amend House Bill No. 2558 by deleting from the amendatory language of SECTION 1 the language "Class E felony" and substituting instead the language "Class A misdemeanor".

Rep. Hargrove moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2558**, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

MOTION TO RECONSIDER

***Senate Bill No. 2611** -- Highways, Roads and Bridges -- Increases maximum height of buildings built near scenic highways from 35 to 40 feet. Amends TCA, Title 54, Ch. 17, Pt. 1.

Rep. Bittle moved to lift from the table the motion to reconsider Senate Bill No. 2611, which motion prevailed.

Rep. Bittle moved to reconsider action in passing Senate Bill No. 2611, which motion prevailed.

On motion, the House reconsidered its action in adopting Amendment No. 1. On motion, Amendment No. 1 was withdrawn.

Rep. Bittle moved to adopt Amendment No. 2 as follows:

Amendment No. 2

Amend Senate Bill No. 2611 by deleting all language after the enacting clause and by substituting instead the following:

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

SECTION 1. Tennessee Code Annotated, Section 54-17-114(a)(1)(Q), is amended by deleting the item in its entirety and by substituting instead the following new item:

(Q) That portion of Pellissippi Parkway (State Highway 162) which has been or will be constructed in Blount and Knox Counties after January 1, 1987; provided, however, the height restrictions on buildings imposed by Section 54-17-115 and sign restrictions referred to in Section 54-17-109 that are applicable to subsections (1) and (10) shall not apply to that property along Pellissippi Parkway within Knox County which is located between Kingston Pike and Interstate Highway 75/40, all of which shall be regulated by the zoning ordinances and regulations of the appropriate county or municipal government.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Bittle moved that Senate Bill No. 2611, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

*Senate Bill No. 2725 -- Custody and Support -- Permits alimony in futuro to end upon remarriage. Amends TCA 36-5-101.

Rep. Robinson moved that the House refuse to recede from its

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

action in adopting Amendment(s) No(s). 1 to Senate Bill No. 2725, which motion prevailed.

HOUSE ACTION ON SENATE MESSAGE

***House Bill No. 0097** -- Railroads -- Adds additional member from Nashville to rail service authority which embraces Davidson County. Amends TCA, Title 7, Ch. 56, Pt. 2.

Rep. West moved that House Bill No. 97 be reset to the Calendar for Tuesday, April 19, 1994, which motion prevailed.

HOUSE ACTION ON SENATE MESSAGE

House Bill No. 0933 -- District Attorneys -- Creates one additional position of criminal investigator for eighth judicial district. Amends TCA, Title 16, Ch. 2, Pt. 5.

Rep. Cross moved that House Bill No. 933 be reset to the Calendar for Tuesday, April 19, 1994, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 0952 -- Business and Commerce -- Enacts "Tennessee Limited Liability Company Act". Amends TCA, Titles 48, 61.

Senate Amendment No. 2

AMEND House Bill No. 952 by deleting Section 48A-46-103(a)(1) of Amendment 1, as amended, the language "fifty dollars (\$50)" and substituting instead the language as provided in subsection (d)."

AND FURTHER AMEND Section 48A-46-103(a)(3) of Amendment 1, as amended, by deleting the language "sixty dollars (\$60)" and by substituting instead the language "as provided in subsection (d)."

AND FURTHER AMEND Section 48A-46-103(a)(27) of Amendment 1, as amended, by deleting the language "three hundred dollars (\$300)" and substituting instead the language "as provided in subsection (d)."

AND FURTHER AMEND Section 48A-46-103(a)(32) of Amendment 1, as amended, by deleting the language "thirty-five dollars (\$35)" and by substituting instead the language "fifty dollars (\$50)".

AND FURTHER AMEND Section 48A-46-103(a)(33) of Amendment 1, as amended, by deleting the language "twenty-five dollars (\$25)" and by substituting instead the language "as provided in subsection (d)."

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

AND FURTHER AMEND by adding the following new subsection (d) to Section 48A-46-103 of Amendment 1, as amended:

(d) The secretary of state shall collect an annual fee equal to fifty dollars (\$50) per member of the LLC on the date of the filing, with a minimum fee of three hundred dollars (\$300) and a maximum fee of three thousand dollars (\$3,000).

AND FURTHER AMEND by adding the following new subdivision (7) to subsection (a) of Section 48A-28-203 of Amendment 1, as amended:

(a)(7) The number of members of the LLC at the date of filing.

AND FURTHER AMEND by adding the following new subdivision (6) to subsection (c) of Section 48A-4-101 of Amendment 1, as amended:

(c)(6) The number of members of the LLC at the date of conversion.

AND FURTHER AMEND by adding the following new subdivision (5) to subsection (a) of Section 48A-45-301 of Amendment 1, as amended:

(a)(5) The number of members of the LLC at the date of filing the application for the certificate of authority.

AND FURTHER AMEND by adding the following new subdivision (6) to Section 48A-5-101 of Amendment 1, as amended:

(6) The number of members at the date of the filing of the articles.

AND FURTHER AMEND by adding the following language at the end of Section 48A-38-101(b) of Amendment 1, as amended:

For convenience, one (1) or more managers, members or governors may be designated in the articles as persons authorized to execute instruments transferring real property held in the name of the LLC and may set forth any limitations on such authority. This designation, however, in the absence of a clear statement that the named person(s) are the only person(s) authorized to execute instruments transferring real property, does not imply that other members, managers or governors do not have the authority to execute such instruments under Sections 48A-38-103 or 48A-38-104. A grant of authority contained in the current articles is conclusive in favor of a person who gives value without knowledge to the contrary.

AND FURTHER AMEND by adding the following new subdivision (15) to Section 48A-5-101 of Amendment 1, as amended:

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

(15) The articles may contain a grant of authority to one (1) or more members, managers or governors to execute instruments for the transfer of real property and any restrictions and conditions with respect to such authority. In the event the articles name one (1) or more persons who are granted authority to execute instruments for the transfer of real property with any restrictions and conditions with respect to such authority so listed, such grant shall be conclusive in favor of a person who gives value without knowledge to the contrary. However, such designation, unless it expressly states that it is exclusive, shall not override Sections 48A-38-103 or 48A-38-104.

AND FURTHER AMEND by adding the following language to the last sentence of Section 48A-4-101(b) of Amendment 1, as amended:

unless such limited partnership was formed after December 31, 1993, and the original agreement of limited partnership provided for a conversion or a procedure of conversion of the limited partnership to an LLC without the consent of all partners in which case the approval or procedure under the original limited partnership agreement shall be sufficient.

Senate Amendment No. 3

AMEND House Bill No. 952 by adding the following as a new, appropriately designated subsection:

48A-17-101(d). Notwithstanding any other provision of this act to the contrary, each person, member, or employee required to collect, truthfully account for, and pay over to the Department of Revenue any tax collected from the customers of an LLC shall be personally liable for such taxes in the same manner as responsible persons of a corporation under the provisions of Section 67-1-1443.

AND FURTHER AMEND by adding the following language after the words "continued through dissolution avoidance consent" in Section 48A-16-101(d)(4), (d)(5) and (e): "or by virtue of action or agreement under Section 48A-38-105".

Rep. Purcell moved that the House concur in Senate Amendment(s) No(s). 2 and 3 to House Bill No. 952, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon,

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odum, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 1871** -- Election Laws -- Includes all municipalities in Davidson County under definition of "newspaper of general circulation" for publishing election notices. Amends TCA 2-1-117.

Rep. Chiles moved that Senate Bill No. 1871 be reset to the Calendar for Tuesday, April 19, 1994, which motion prevailed.

HOUSE ACTION ON SENATE MESSAGE

***House Bill No. 2507** -- Contractors -- Revises when person can apply for contractor's license after doing contracting work without license; revises when citations must be issued for violations. Amends TCA, Title 62, Ch. 6.

Rep. Head moved that House Bill No. 2507 be reset to the Calendar for Tuesday, April 19, 1994, which motion prevailed.

HOUSE ACTION ON SENATE MESSAGE

House Bill No. 2745 -- State Government -- Codifies Information Systems Council created by Executive Order #18 of 1983. Amends TCA, Title 4; Title 12, Chs. 3, 4.

Rep. Purcell moved that House Bill No. 2745 be reset to the Calendar for Tuesday, April 19, 1994, which motion prevailed.

REGULAR CALENDAR, CONTINUED

House Bill No. 2471 -- Juvenile Offenders -- Enacts "Juvenile Offender Surcharge Act". Amends TCA, Titles 37, 40.

Further consideration of House Bill No. 2471, previously considered on today's Calendar.

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

Rep. R. Jones moved that House Bill No. 2471 be reset to the Calendar for Tuesday, April 19, 1994, which motion prevailed.

MESSAGE FROM THE SENATE

April 14, 1994

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 406, 439, 461, 462, 463, 494, 495, 496, 497, 498, 499, 500 and 501; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

*Senate Joint Resolution No. 0406 -- Highway Signs -- "Edwin Hickman Memorial Bridge," spanning Duck River on S.R. 48 and 100, Hickman County. by *Springer.

*Senate Joint Resolution No. 0439 -- General Assembly, Studies -- Creates special joint committee to study premium finance companies. by *Kyle, *Patten.

Senate Joint Resolution No. 0461 -- Memorials, Professional Achievement -- Wanda Greer Copley, Executive Secretary Treasurer of TEA. by *O'Brien.

Senate Joint Resolution No. 0462 -- Memorials, Public Service -- Taylor Bridge Bayless. by *Albright.

Senate Joint Resolution No. 0463 -- Memorials, Sports -- Huntingdon High School Mustang football team. by *McKnight.

Senate Joint Resolution No. 0494 -- Memorials, Sports -- Milan High School girls' basketball team. by *McKnight.

Senate Joint Resolution No. 0495 -- Memorials, Interns -- Tiffany Danette Gentry. by *Haynes.

Senate Joint Resolution No. 0496 -- Memorials, Interns -- Diane S. Lingerfelt. by *Crowe.

Senate Joint Resolution No. 0497 -- Memorials, Sports -- Battle Ground Academy cheerleaders. by *Jordan, *Springer, *Henry.

Senate Joint Resolution No. 0498 -- Memorials, Interns -- Amy Reynolds. by *Person.

Senate Joint Resolution No. 0499 -- Memorials, Interns -- Jennifer Williams. by *Person.

Senate Joint Resolution No. 0500 -- Memorials, Professional Achievement -- Charles E. Frost, Jr., Tennessee Small Business Person of the Year, 1994. by *Rice.

Senate Joint Resolution No. 0501 -- Memorials, Interns -- Joe Weyant. by *Rice.

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

CONSENT CALENDAR

On motion of Rep. Purcell, seconded by Rep. Bittle, the following resolutions were introduced and placed on the consent calendar.

House Resolution No. 0213 -- Memorials, Sports -- Bo Carter. by *Shirley.

House Resolution No. 0214 -- Memorials, Personal Occasion -- Mr. and Mrs. George Sweet, 50th wedding anniversary. by *Williams Micheal.

House Resolution No. 0215 -- Memorials, Personal Occasion -- Mr. & Mrs. Benjamin E. Hatfield, 65th wedding anniversary. by *Williams Micheal.

House Resolution No. 0216 -- Memorials, Public Service -- Representative Dennis Ferguson, public service. by *Windle.

House Resolution No. 0217 -- Memorials, Interns -- Daniel Phil McPeake. by *Bragg, *Kisber, *Head.

House Joint Resolution No. 0689 -- Memorials, Death -- G. Bowlin Morton, Sr. by *Lewis.

House Joint Resolution No. 0690 -- Memorials, Sports -- Lee College mens' basketball team. by *Stockburger, *Fisher, *Meyer.

House Resolution No. 0218 -- Memorials, Interns -- Kelinda L. Adcock. by *Halteman Harwell, *Stamps.

House Resolution No. 0219 -- Naming and Designating -- "Bristol Arbon Day," April 22, 1994. by *Ramsey, *Venable.

House Resolution No. 0220 -- Memorials, Interns -- Todd Wesley Pennington, Intern. by *Bittle.

House Resolution No. 0221 -- Memorials, Interns -- Stacy Maureen McEndree. by *Bragg, *Kisber, *Head.

House Joint Resolution No. 0692 -- Memorials, Personal Achievement -- James Robert Klug, Eagle Scout. by *Shirley, *Kent, *Hassell.

House Joint Resolution No. 0693 -- Memorials, Interns -- Ryan J. Hertter. by *Byrd.

House Joint Resolution No. 0694 -- Memorials, Interns -- Cynthia Sells. by *Hargrove.

On motion of Rep. Purcell, seconded by Rep. Bittle, the following resolutions were placed on the consent calendar.

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

Senate Joint Resolution No. 0461 -- Memorials, Professional Achievement -- Wanda Greer Copley, Executive Secretary Treasurer of TEA.

Senate Joint Resolution No. 0462 -- Memorials, Public Service -- Taylor Bridge Bayless.

Senate Joint Resolution No. 0463 -- Memorials, Sports -- Huntingdon High School Mustang football team.

Senate Joint Resolution No. 0494 -- Memorials, Sports -- Milan High School girls' basketball team.

Senate Joint Resolution No. 0495 -- Memorials, Interns -- Tiffany Danette Gentry.

Senate Joint Resolution No. 0496 -- Memorials, Interns -- Diane S. Lingerfelt.

Senate Joint Resolution No. 0497 -- Memorials, Sports -- Battle Ground Academy cheerleaders.

Senate Joint Resolution No. 0498 -- Memorials, Interns -- Amy Reynolds.

Senate Joint Resolution No. 0499 -- Memorials, Interns -- Jennifer Williams.

Senate Joint Resolution No. 0500 -- Memorials, Professional Achievement -- Charles E. Frost, Jr., Tennessee Small Business Person of the Year, 1994.

Senate Joint Resolution No. 0501 -- Memorials, Interns -- Joe Weyant.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Resolution No. 216: by Rep. Windle.

Under the rules, House Resolution No. 216 was/were placed at the foot of the calendar for Tuesday, April 19, 1994.

Pursuant to Rule No. 50, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

DELAYED BILLS REFERRED

Pursuant to Rule No. 77, having been prefiled for introduction, House Bill(s) No(s). 2935, was/were referred to the Delayed Bills Committee.

***House Bill No. 2935 -- Sewage --** Authorizes repair or alteration of subsurface sewage disposal systems prior to securing permit from commissioner. Amends TCA 68-221-406. by *Ridgeway.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the introduction and passage on first consideration of House Bills Nos. 2901 and 2908, which motion prevailed.

***House Bill No. 2901 -- Utilities, Utility Districts --** Provides that remaining members of board of commissioners of Clay County water utility district continue to fill future vacancies which occur on board. Amends TCA 7-82-307. by *Winningham.

House Bill No. 2908 -- County Officers -- Grants law enforcement authority to constables in Grundy County. Amends TCA, Title 8, Ch. 10, 40-6-210, 55-8-152, 55-9-414, 57-5-202, 57-9-101. by *Lewis.

RULES SUSPENDED

Rep. Purcell moved to suspend Rule No. 80(1), relative to the time for placing bills on notice in Committee, so that House Joint Resolution No. 610 could be heard by the Conservation and Environment Committee on Monday, April 18, 1994, which motion prevailed.

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

RULES SUSPENDED

Rep. Purcell moved to suspend Rule No. 80(1), relative to the time for placing bills on notice in Committee, so that House Bill No. 2429 could be heard by the Transportation Committee at 8:15 a.m. on Tuesday, April 19, 1994, which motion prevailed.

RULES SUSPENDED

Rep. Clark moved to suspend the rules so that the Consumer and Employee Affairs Committee could meet at 5:00 p.m. Monday rather than 3:00 p.m. Monday, which motion prevailed.

RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 507 out of order, which motion prevailed.

Senate Joint Resolution No. 0507 -- General Assembly, Adjournment, Recess -- Recesses senate April 14, 1994 until 9:00 a.m., April 20, 1994; recesses house April 14, 1994 until 1:00 p.m. April 19, 1994.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Purcell, the resolution was concurred in.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the immediate consideration of House Joint Resolution No. 588 out of order, which motion prevailed.

***House Joint Resolution No. 0588 --** General Assembly, Adjournment, Recess -- Adjoins general assembly sine die on April 21, 1994. by *Purcell, *Bittle.

Rep. Purcell moved that House Joint Resolution No. 588 be adopted.

Rep. Purcell moved to adopt Amendment No. 1 as follows:

Amendment No. 1

Amend House Joint Resolution No. 588 by deleting the language "Thursday, April 14" and by substituting instead the language "Wednesday, April 20".

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

On motion, Amendment No. 1 was adopted.

Rep. Purcell moved that House Joint Resolution No. 588, as amended, be adopted, which motion prevailed.

A motion to reconsider was tabled.

BILL RETURN REQUESTED

Pursuant to Rule No. 54, Rep. Ritchie moved that the Clerk request the return of House Bill No. 1888 from the Senate, which motion prevailed.

MOTION TO RECALL HOUSE BILL FROM COMMITTEE

Rep. Ritchie moved to recall House Bill No. 2676 from the State and Local Government Committee, pursuant to Rule No. 53.

Rep. Rigsby, moved to table the recall motion, which motion he then withdrew.

Rep. Purcell moved the previous question, which motion prevailed by the following vote:

Ayes.	66
Noes.	25

Representatives voting aye were: Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Buck, Byrd, Chumney, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Givens, Hargrove, Hassell, Head, Herron, Hillis, Jackson, Johnson, Jones U (Shelby), Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McKee, Miller, Mires, Moore, Napier, Owenby, Phelan, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), West, Westmoreland, Whitson, Williams (Williamson), Windle, Winningham, Wix, Mr. Speaker Naifeh -- 66.

Representatives voting no were: Allen, Anderson, Boyer, Brown, Chiles, Coffey, Gunnels, Halteman Harwell, Haun, Jones R (Shelby), Joyce, McDaniel, Meyer, Peroulas Draper, Ramsey, Ritchie, Severance, Shirley, Stamps, Stockburger, Venable, Walley, Williams (Shelby), Williams (Union), Wood -- 25.

Rep. Ritchie renewed the motion to recall House Bill No. 2676, which motion failed by the following vote:

Ayes.	31
Noes.	52
Present and not voting.	4

Representatives voting aye were: Allen, Anderson, Bittle, Boyer, Brown, Buck, Chiles, Coffey, Cole (Carter), Halteman Harwell,

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

Hassell, Haun, Jones R (Shelby), Joyce, Knight, Lewis, McDaniel, Meyer, Moore, Peroulas Draper, Ramsey, Ritchie, Severance, Shirley, Stamps, Stockburger, Walley, West, Williams (Shelby), Williams (Union), Wood -- 31.

Representatives voting no were: Armstrong, Arriola, Bell, Bragg, Brooks, Byrd, Chumney, Cole (Dyer), Collier, Crain, Cross, Davidson, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Givens, Hargrove, Head, Herron, Hillis, Jackson, Johnson, Jones U (Shelby), Kent, Kernell, Kisber, Liles, McAfee, McKee, Mires, Napier, Phelan, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Stulce, Thompson, Turner (Hamilton), Turner (Shelby), Venable, Westmoreland, Whitson, Windle, Wix, Mr. Speaker Naifeh -- 52.

Representatives present and not voting were: Clark, Gunnels, Owenby, Williams (Williamson) -- 4.

MESSAGE FROM THE SENATE

April 14, 1994

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2380; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 14, 1994

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 2424.

The Senate concurred in House Amendment(s) No(s).1, and nonconcurred in House Amendment(s) No(s). 2.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 14, 1994

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2526; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to the suspension of Rule No. 59, notice was given that the following measure(s) from the Senate be placed on the Message

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

Calendar for Tuesday, April 19, 1994:

House Joint Resolution No. 560; House Bills Nos. 1719, 2347, 2380, 2526; Senate Bills Nos. 2424, 1495.

SPONSORS ADDED

Under Rule No. 43, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 191: Rep(s). Naifeh as prime sponsor(s).

House Joint Resolution No. 461: Rep(s). Phelan as prime sponsor(s).

House Joint Resolution No. 582: Rep(s). Phelan as prime sponsor(s).

House Joint Resolution No. 594: Rep(s). Kernell as prime sponsor(s).

House Joint Resolution No. 624: Rep(s). Love, Herron and Moore as prime sponsor(s).

House Joint Resolution No. 647: Rep(s). West as prime sponsor(s).

House Joint Resolution No. 668: Rep(s). Joyce and Severance as prime sponsor(s).

House Joint Resolution No. 679: Rep(s). Haley as prime sponsor(s).

House Joint Resolution No. 685: Rep(s). Liles as prime sponsor(s).

House Joint Resolution No. 686: Rep(s). Liles as prime sponsor(s).

House Joint Resolution No. 692: Rep(s). Kent and Hassell as prime sponsor(s).

House Bill No. 309: Rep(s). Peroulas Draper as prime sponsor(s).

House Bill No. 1077: Rep(s). Odom as prime sponsor(s).

House Bill No. 1135: Rep(s). Turner (Hamilton) as prime sponsor(s).

House Bill No. 1644: Rep(s). McDaniel, Naifeh, Phillips, Turner (Hamilton), Cross, Ridgeway, Winningham, Haun and Stulce as prime sponsor(s).

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

House Bill No. 2153: Rep(s). Jackson, Walley and Ridgeway as prime sponsor(s).

House Bill No. 2285: Rep(s). Arriola and Lewis as prime sponsor(s).

House Bill No. 2412: Rep(s). Peroulas Draper as prime sponsor(s).

House Bill No. 2429: Rep(s). Robinson as prime sponsor(s).

House Bill No. 2444: Rep(s). Williams (Union), Mires, Severance, Arriola, Love and Haun as prime sponsor(s).

House Bill No. 2471: Rep(s). Arriola as prime sponsor(s).

House Bill No. 2546: Rep(s). Turner (Hamilton) as prime sponsor(s).

House Bill No. 2613: Rep(s). Haley and Liles as prime sponsor(s).

House Bill No. 2616: Rep(s). Arriola as prime sponsor(s).

House Bill No. 2648: Rep(s). Naifeh, Ridgeway, Stulce, Cross, McAfee, Bittle, Kent and Arriola as prime sponsor(s).

House Bill No. 2765: Rep(s). Joyce, Whitson, Peroulas Draper as prime sponsor(s).

House Bill No. 2812: Rep(s). Arriola as prime sponsor(s).

REPORTS FROM STANDING COMMITTEES

The committees that met on Thursday, April 14, 1994, reported the following:

CONSERVATION AND ENVIRONMENT

The Conservation and Environment Committee recommended for adoption: House Joint Resolution(s) 610. Under the rules, each was transmitted to the Calendar and Rules Committee.

MESSAGE FROM THE SENATE

April 14, 1994

MR. SPEAKER: I am directed to request the return of Senate Bill No. 2065, for further consideration.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

MESSAGE FROM THE SENATE

April 14, 1994

MR. SPEAKER: I am directed to return to the House, House Bill No. 1742.

The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Amendment No. 3, withdrew Amendment No. 3, then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 14, 1994

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2434, 2510, 2643 and 2756; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 2434** -- Uniform Commercial Code -- Provides that a perfected security interest in fixtures will, under certain circumstances, no longer have priority over the conflicting interest of encumbrancer or owner of real estate. Amends TCA 47-9-313. by *Henry.

***Senate Bill No. 2510** -- Law Enforcement Training Academy -- Establishes state certification program for police chaplains; program to be administered by peace officers standards and training commission. Amends TCA, Title 38, Ch. 8. by *Crowe.

***Senate Bill No. 2643** -- State Government -- Requires state agencies to issue written assessment of constitutional takings and implications of agency action. Amends TCA, Title 4. by *Wilder, *O'Brien, *Rochelle, *McKnight, *Burks, *Hamilton.

***Senate Bill No. 2756** -- Education -- Requires state boards of education to develop conflict management program in school system in cooperation with board of education for Memphis school system. Amends TCA, Title 49. by *Kyle, *Ford.

REPORT OF CHIEF ENGROSSING CLERK

April 14, 1994

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 1764, 2093, 2114, 2220, 2269, 2306, 2508, 2555, 2569, 2590, 2634, 2657, 2773, 2842; also, House Joint Resolution(s) No(s). 399, 586, 587, 589, 590, 591, 611, 612, 613, 614, 615, 616, 643 and 644.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

MESSAGE FROM THE GOVERNOR

April 13, 1994

MR. SPEAKER: I am directed by the the Governor to return herewith: House Bill(s) No(s). 2748, with his approval.

DIANNE F. NEAL, Counsel to the Governor.

ENROLLED BILLS

April 14, 1994

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 1313, 1898, 2772, 2879 and 2906; House Joint Resolution(s) No(s). 517, 618, 619, 620, 621, 622, 623, 625, 626, 627, 628, 629, 631, 645, 646, 648, 649, 650, 651, 652, 653, 654, 655, 656, 658, 659, 660, 661, 662, 664 and 665; also, House Resolution(s) No(s). 139, 167, 179, 180, 181 and 182.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

April 14, 1994

The Speaker signed the following: House Bill(s) No(s). 1313, 1898, 2772, 2879 and 2906; House Joint Resolution(s) No(s). 517, 618, 619, 620, 621, 622, 623, 625, 626, 627, 628, 629, 631, 645, 646, 648, 649, 650, 651, 652, 653, 654, 655, 656, 658, 659, 660, 661, 662, 664 and 665; also, House Resolution(s) No(s). 139, 167, 179, 180, 181 and 182.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

April 14, 1994

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2856, 2911 and 2919; also, House Joint Resolution(s) No(s). 428, 455, 638, 663, 668, 670, 671, 672, 673, 674, 675, 676, 678, 679, 680, 681 and 682.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 14, 1994

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 630, 632, 634, 635, 636, 637, 639, 640, 641 and 642; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

MESSAGE FROM THE SENATE

April 14, 1994

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 192, 2068, 2134, 2418, 2533, 2537, 2595, 2801 and 2821; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

SIGNED

April 14, 1994

The Speaker signed the following: Senate Bill(s) No(s). 1832, 1861, 1889, 1957, 2006, 2020, 2021, 2256, 2420 and 2581; also, Senate Joint Resolution(s) No(s). 319, 320, 348, 399, 400, 401, 402, 403, 404, 408, 409, 410, 411, 412, 413, 414, 415, 427, 428, 449 and 450.

ENGROSSED BILLS

April 14, 1994

The following bills have been examined, engrossed, and are ready for transmission to the Senate:: House Bills(s) No(s). 2910, 2912, 2913 and 2914.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 14, 1994

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2910, 2912, 2913 and 2914; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 14, 1994

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2361; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

MESSAGE FROM THE SENATE

April 14, 1994

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2856, 2903, 2905, 2907, 2909, 2911, 2915, 2916, 2917, 2918 and 2919; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

April 14, 1994

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2117, 2276, 2451, 2463, 2485, 2613, 2765 and 2827; also, House Joint Resolution(s) No(s). 427, 450, 561, 562, 592, 593, 594, 595, 596, 624, 647, 683, 684, 685, 686, 687 and 688.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 14, 1994

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 668, 670, 671, 672, 673, 674, 675, 676, 678, 679, 680, 681 and 682; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

April 14, 1994

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 588, 689, 690, 692, 693 and 694.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 14, 1994

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1670, 2822, 2863, 2903, 2904, 2905 and 2906; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Bill No. 1670 -- Sumner County -- Requires registration of dogs. by *Wright.

THURSDAY, APRIL 14, 1994 -- EIGHTY-SEVENTH LEGISLATIVE DAY

Senate Bill No. 2822 -- Benton County -- Enacts hotel/motel tax. by *Hamilton.

Senate Bill No. 2863 -- Springfield -- Revises terms for board of mayor, vice mayor and aldermen and purchasing procedures. Amends Chapter 1, Private Acts of 1989, as amended. by *Wright.

Senate Bill No. 2903 -- Baileytown -- Revises charter. Amends Chapter 200, Private Acts of 1915, as amended. by *Greer.

Senate Bill No. 2904 -- Lauderdale County -- Requires Lauderdale County general sessions judges receive same salary as general sessions judges in counties of population class for which compensation of Lauderdale County officers determined. by *Leatherwood.

Senate Bill No. 2905 -- Columbia -- Authorizes levy and collection of impact fees against new land development. by *Jordan.

Senate Bill No. 2906 -- Decherd -- Revises city charter. Amends Chapter 318, Acts of 1901, as amended. by *Cooper.

CONSENT CALENDAR

The following local bills were placed on the Consent Calendar for Monday, April 19, 1994: House Bill(s) No(s). 2923, 2924, 2925, 2926, 2930, 2932 and 2933.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigbsy, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

On motion of Rep. Purcell, the House recessed until 1:00 p.m. on Tuesday, April 19, 1994.